

Ho-Chunk Nation Court Bulletin

An informational bulletin published for the benefit of attorneys and tribal members.

Vol. 5, No. 1

January 2000

The Life and Times of Justice Rita Cleveland

This interview with Supreme Court Justice Rita Cleveland is the final installment of a five part series. For each of the past five months, the *Court Bulletin* has given insights into the professional and personal lives of the Judges and Justices who work for the Ho-Chunk Nation. The interviews have been conducted by David Neubeck, editor of the *Court Bulletin* and Staff Attorney for the Ho-Chunk Nation Trial Court.



DN: Good afternoon Justice Cleveland. I guess I'll start with some of the basic questions I've asked your colleagues on the bench-How long have you been on the Supreme Court?

RC:: I was elected in June of 1997.

DN: What made you seek election?

RC: It wasn't really one thing. There were a number of reasons.--I guess my primary one being that I see the Tribal Court as a very important aspect of Tribal

government, and when I looked at the Court it was made up of all At Large Area members. That was fine, but I thought that it was important that there be some representation from the local area [Justice Cleveland is from Black River Falls]-where there is a large Ho-Chunk population and where the majority of the tribal business and Tribal Court cases are going to



come from. So, that was one of the major motivational factors in my decision to seek election to the bench.

My decision to try to gain the Supreme Court seat also came about by a number of tribal members asking me to seek the position.

continued on page 2, column 1

Proposed Sioux

Continued from page 1, column 2

Tribal Supreme Court Could Serve as Model

From the Native American Report by Ted Olsen

Efforts to establish a unified tribal supreme court for the nine Sioux Nation reservations in South Dakota could eventually spread nationwide and have far-reaching legal and economic impact, according to one tribal leader closely involved with the movement.

The Sioux Nation tribal supreme court exists only as a concept, even though such a tribunal has been talked about for two decades, said Michael Jandreau, chairman of the Lower Brule Sioux Tribe. But facilities have been designated to house the court. The U.S. Department of Justice (DOJ) has put up \$249,000 for the initial planning and has another \$300,000 budgeted for Fiscal Year 2000.

The funding is being administered by the Wakpa Sica Historical Foundation, a nonprofit organization that is serving as a catalyst to bring together legal minds from the nine reservations

Continued on page 3, column 2

DN: Could you tell our readers a

Interview	1
Sioux Court	1
Court News	2
Recent Decisions	4
Recent Filings	5
Court Fees	5
Legal Citation Form	5

little bit about running for office.-- Did you find it was a challenge to educate people about the court? What was life like on the campaign trail?

RC: Actually, educating people was not a very big challenge. A lot of people were becoming aware of the Tribal Court System, and I think that although most people weren't aware of the details, they knew the court existed and knew its basic functions.

As for what it was like to run a campaign . . . I'd never run for office before and it was interesting and exciting. I don't consider myself to be a great speaker, but I did attend two forums--one in the St. Paul/Minneapolis area, and another sponsored by the Area One membership.

Overall, it was a fun experience. I met a lot of people. I was impressed with the number of people that recognized my Ho-Chunk relationship to them and people from the at large area that read my campaign posters--Posters, I might add, that were very cleverly and strategically placed within the community at pow wow time. [laughter] I think that the *Hocak Worak* was a great vehicle for getting information out. I had people call me from places like Washington State and Montana that recognized who my parents were or knew me from my previous position with the Nation [Director of Finance], and just wanted to talk and wish me well.

DN: Just as an aside--Justice Hunter will be very glad that you referred to the Twin Cities as St. Paul/Minneapolis rather than Minneapolis/St. Paul. ☺ During

her interview she was quite adamant about the virtues and independence of St. Paul.

DN: Before your election to the Court, did you have any experience with the law?

RC: No I didn't. As a matter of fact, I was never even in court--not even for a traffic violation. ☺

DN: Wow! That's brave to go from ground zero to being a Supreme Court Justice--So, what do you enjoy most about your work on the bench?

RC: I thoroughly enjoy the challenge and the learning--the knowledge that I've acquired through the work. Coming into this position not knowing anything was a little bit intimidating, but I'm not someone whose afraid to ask questions if I don't understand, and I'm also not someone whose afraid of arguing when the need arises.

DN: So, what do you like the least about your job?

RC: I don't know whether its the thing I like the least, but certainly the most problematic area of the job is my lack of law training. As a natural part of the way that I think and the way that I work, I have to thoroughly examine and investigate and check things out before I make a decision, and not having a law degree has set me back sometimes because I feel I have to do a lot more work to make up for my lack of formal training.

DN: As we've been discussing, you're not a lawyer--do you have a job outside of the Supreme Court?

RC: I am a parent, and the Chief Financial Officer at Majestic Pines Casino.

DN: How old are your children?--Or is it child?

RC: I have two boys and a girl. The boys are 17 and 24, and my daughter is 19. I also have a one-year old granddaughter.

DN: So you're one year away from a child free household. How do you feel about that?

RC: Well, my [birth] children might be gone in a year but my nephew lives with me and I hope that he's around for a while.

DN: Apart from your jobs as parent and CFO for Majestic Pines, what do you do with your free time?

RC: Actually, I like to stay at home. Even when I take time off of work, a lot of times I just like to take care of things around the house. I used to cross-country ski, but I haven't really had the time for it in the past few years. I do, however, enjoy and find time to golf during the summer.

DN: I guess we'll move on to the customary closing of our interview, where I ask some "personality" questions appropriated from the Bravo channel's *The Actor's Studio*.

DN: What is your favorite word?

RC: P_nagig_. I like it because its a world that expresses appreciation for receiving as well as giving.

Continued on page 3

Continued from page 2

DN: What is your least favorite word?

RC: It actually two words, but . . . “I can’t.”

DN: What is your favorite noise?

RC: The sound of water running over rocks.

DN: What is your least favorite noise?

RC: Crickets in the middle of the night.

DN: What inspires you?

RC: Challenges . . . seeing something that you know can be done better. People too--just people in general.

DN: What is your pet peeve? . . . This is a new question I’ve thrown into the mix.

RC: Sarcasm--although I should admit this answer was probably influenced by some incidents I’ve recently dealt with at work.

DN: What profession other than your own would you like to try?

RC: I’d like to try pursue like counseling. I provided guidance to high school students in a previous job--before I became a financial person, and I really enjoyed that. I think that sometime I’d like to try something without any stress--just be a worker with no supervisory responsibilities. .

DN: Finally, the last question--if you could witness any event in the

history of the world, what would it be?

RC: I’d like to see Martin Luther King’s final speech. The one he gave in Memphis on the night before his death. I think is usually referred to as the “I’ve been to the promised land” speech.

DN: Well, I’d like to thank you for your time, and I wish you only success in your efforts to become a worker bee.☺

!!!Court News!!!

◆ The Ho-Chunk Nation Supreme Court will be in session at the Ho-Chunk Nation Courthouse at 9:00 am on Jan 22. As always, the meeting is open to the public.

◆ The Ho-Chunk Nation Court System is saddened to announce the resignation of our valued Bailiff/Process Server, Tari Pettibone. Tari handed in her coat and badge so that she could return to school to work towards a paralegal degree so that she could spend more time with her family. The Court will sorely miss Tari’s personal and professional presence.

As a result of Tari’s resignation, her position is open. Interested parties should keep an eye on Personnel Department Job Postings.

Sioux Court

Continued from page 1, column 3

“This is an extremely important step which all of us know has to be taken,” asserted Jandreau. “I think financial institutions in the long run are going to be more interested in dealing with reservations if there is a consistent interpretation of the

laws.”

“I am optimistic that a stronger tribal court system will bring a wide variety of benefits to the reservations,” said Sen. Tom Daschle (D-SD), who pressed for funding to be included in the DOJ appropriations.

Daschle also said he will work to ensure that the Wakpa Sica has funds to create a historical center along the Missouri River that focuses on the impact the Lewis and Clark trail had on local tribal economies and culture.

“I believe the new historical center would make important contributions to our nation’s history, the Lakota people and the overall economic growth of the state,” Daschle said. “I will continue to work with the Justice Department to see if a portion of the funding can be used to support this new center.”

Jandreau downplayed the role of the Wakpa Sica, saying the foundation is acting only as a facilitator and “conduit for the dollars to come down from Washington” and will not serve as court administrator, as some reports have indicated. He expects that there will be a separate court administration in which all the tribes will participate.

Jandreau believes that while the unified tribunal will initially involve only the Sioux tribes in South Dakota, the concept has the potential to spread to other tribes and states. The Navajo Nation already has a multi-level court system, and other tribes have individual or multi-tribal appeals courts.

“The whole concept had its beginning over 20 years ago when

continued on page 4

continued from page 3

the Rosebud tribe asked other tribes to join in a unified court system," recalled Jandreau, who indicated that the Rosebud and Crow Creeks were the original participants in the system that now includes the Sisseton-Wapeton Dakotas. Contact: Michael Jandreau, Wakpa Sica Historical Foundation, (605) 473-5561; e-mail:mbj1@wcnenet.

Recent Decisions

Ho-Chunk Nation Trial

Court:

In re the Marriage of Lana Alane Lincoln v. Jon Eric Minor, CS 99-51 (HCN Tr. Ct., Nov. 23, 1999) Judgment (Enforcing Child Support).

State of Wisconsin, Jackson Co. On Behalf of Karen Snow v. Greg D. Henry, CS 99-64 (HCN Tr. Ct. Dec. 3, 1999). Default Judgment (Enforcing child Support).

State of Wisconsin, Vilas County v. Mary B. Bigjohn, CS 98-64 (HCN Tr. Ct. Dec. 14, 1999). Judgment (Enforcing Child Support).

State of Wisconsin, On Behalf of Karena Day v. Howard Pettibone, CV 97-109 (HCN Tr. Ct. Dec. 14, 1999). Judgment (Enforcing Child Support).

In the Interest of Adult Incompetent Oliver S. Rockman v. Ho-Chunk Nation, CV 97-117 (HCN Tr. Ct. Dec. 15, 1999). Order, (Approving Request for Money).

State of Wisconsin, Jackson County v. Brent M. Funmaker, CV 97-18 (HCN Tr. Ct. Dec. 17, 1999). Judgment (Suspending

Withholding).

Leslie Soulier v. John Houghton, CS 99-58; *Rachel Winneshiek v. John Houghton*, CS 99-29; *Vicki Houghton n/k/a Greendeer v. John Houghton*. (HCN Tr. Ct., Dec. 17, 1999). Order (Enforcing Child Support).

Crystal Lonetree v. Vincent R. Palasz, CS 99-74 (HCN Tr. Ct., Dec. 17, 1999). JV 96-58; (HCN Tr. Ct. Dec. 17, 1999). Order (Enforcing Child Support).

Michelle Gulbranson v. Roger Littlegeorge, CV 97-91; *Melanie Stacy v. Roger Littlegeorge*, CS 99-44; *Felicia Helgeson v. Roger Littlegeorge*, CS 99-57; *Dawn Makes Strong Move v. Roger Littlegeorge*, CS 99-63. (HCN Tr. Ct., Dec. 17, 1999). Judgment (Child Support)

Jodi Gotz v. Vincent Cadotte, CS 99-61; *Rochelle Decorah v. Vincent Cadotte*, CS 97-164. (HCN Tr. Ct. Dec. 28, 1999). Judgment (Enforcing Child Support).

Montgomery Green v. Eliza M. Green, CS 99-70 (HCN Tr. Ct., Dec. 28, 1999). Voluntary Dismissal.

Tammy L. Blackdeer v. Clifford T. Blackdeer, CS 99-67 (HCN Tr. Ct., Dec. 29, 1999) Default Judgment (Enforcing Child Support).

State of Wisconsin/Jackson County on behalf of Alissa Funmaker v. Stacy Yellowcloud, CS 99-65 (HCN Tr. Ct. Jan 3, 2000) Default Judgment (Enforcing Child Support).

Recent Filings

Ho-Chunk Nation Trial

Court:

Reba S. Contreras v. Ho-Chunk Nation Office of Tribal Enrollment, CV 99-88, filed Nov. 10, 1999.

Jeffrey Thompson v. Ho-Chunk Nation, CV 99-89, filed Nov. 12, 1999.

Stewart Miller v. De Jope Bingo and the Ho-Chunk Nation, CV 99-90, filed Nov. 15, 1999.

Melinda A. Lee v. Majestic Pines Casino, Marketing Department, CV 99-91, filed Nov. 19, 1999.

Ho-Chunk Nation Housing Authority v. Jamie L. Funmaker, CV 99-92, filed Nov. 19, 1999.

Ho-Chunk Nation Housing Authority v. Cheryl Decorah-Snake, CV 99-93, filed Nov. 29, 1999.

Ho-Chunk Nation Housing Authority v. Theodore Yellowcloud, CV 99-94, filed Nov. 29, 1999.

Ho-Chunk Nation Housing Authority v. Dan Crowe and Beverly Crowe, CV 99-95, filed Nov. 29, 1999.

Ho-Chunk Nation Housing Authority, Property Management Division v. Timothy Whiterabbit, CV 99-96, filed Nov. 29, 1999.

Ho-Chunk Nation Housing Authority, Property Management Division v. Anna M. Reichenbach and Dale Reichenbach, CV 99-97, filed Dec. 2, 1999.

continued on page 5
continued from page 4

Ho-Chunk Nation Housing Authority, Property Management Division v. Cherylene-Long, CV 99-98 filed Dec. 2, 1999.

Ho-Chunk Nation Housing Authority, Division of Property Management v. Marlene Cloud and Orin Cloud, CV 99-99, filed Dec. 2, 1999.

Ho-Chunk Nation Housing Authority, Division of Property Management v. Simone I. Brown and Charles C. Brown, CV 99-100, filed Dec. 2, 1999.

Sonia R. Roberts v. Troy Van Nakai, CS 99-78, filed Dec. 2, 1999.

Alisa Carwell v. Sterling Funmaker, CS 99-79, filed Dec. 7, 1999.

Jessica Bearskin v. Ho-Chunk Nation Office of Tribal Enrollment, CV 99-101, filed Dec. 7, 1999.

Crystal Young v. Ho-Chunk Nation Office of Tribal Enrollment, CV 99-102, filed Dec. 8, 1999.

Elmer M. Youngs v. Ho-Chunk Nation Department of Housing and Public Works, Garret Blackdeer, CV 99-103, Dec. 10, 1999.

Nancy M. Texidor v. Silas Cleveland, CS 99-80, filed Dec. 10, 1999.

Sharon Marie (Hellerud) Mueller v. Mark Steven Hellerud, CS 99-81, filed Dec. 10, 1999.

Ho-Chunk Nation Housing Authority v. Autumn White, CV

99-104, Dec. 13, 1999.

Ho-Chunk Nation Housing Authority v. Keith Dick, CV 99-105, filed Dec. 13, 1999.

Ho-Chunk Nation Department of Housing, Division of Property Management v. Muriel Swan, CV 99-106, filed Dec. 13, 1999.

Ho-Chunk Nation Department of Housing Home Ownership Program v. Mick Boardman, CV 99-107, filed Dec. 20, 1999.

Amelia L. Pike v. Majestic Pines Casino, CV 99-108, filed Dec. 20, 1999.

Lynda Broschardt v. Rainbow Casino, CV 99-109, filed Dec 22, 1999.

Janelle Fox v. Byron Thundercloud, CS 99-82, filed Dec. 22, 1999.

State of Wisconsin v. Tammy Littlebear, CS 99-83, filed Dec. 22, 1999.

Ho-Chunk Nation Supreme Court:

Jolene Smith v. Scott Beard as Director of the Ho-Chunk Nation Department of Education and the Ho-Chunk Nation. SU 99-09, filed September 9, 1999.

HCN Court Fees

Filing Fees. \$35
Service of Summons
• In Person. \$15 (or cost, if out of state)
• By Mail. \$4 (or cost, whichever is greater)

• By the Court. \$0.31 (per mile)
Copying. \$0.10/per page
Faxing \$0.25/per page
(sending & receiving)
Tapes of Hearings. \$10 / tape
Deposition Videotape. . . . \$10 / tape
Certified Copies. \$0.50/ page
Equipment Rental. \$5.00/ hour
Register a Foreign Orders. \$15
Appellate filing fees. \$35
Admission to Practice. \$50
Pro Hac Vice Appearance. \$35

Legal Citation Form

Below are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, and Subsection.

HCN CONST., ART. XI, Sec. (or §) 7.
HCN CONST., ART. II, Sec. (or §) 1(a).

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND PROCEDURES MANUAL, Ch. 12, Part B, p. 82.
CLAIMS AGAINST PER CAPITA, §6.01(b).

HCN Supreme Court Case Law

Case Name, Case No (HCN S. Ct.,
month, day, year).

Johnson v. Department Inc., SU
89-

04 (HCN S. Ct., Aug. 14, 1995).

Smith v. Casino, SU 94-11 *Order*
(HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr.
Ct.,

month, day, year).

Jane Doe v. Bob Smith, CV 99-01
(HCN Tr. Ct., Nov. 1, 1999)

In the Interest of Minor Child X,
JV 95-047 (HCN Tr. Ct., May 23,
1994).

Rules of Civil Procedure

HCN R.. Civ. P. 19(B).

Ho-Chunk Nation Court Bulletin

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Vol. 6, No. 1

February 2000

Because I Don't Fish or Own a Rocking Chair: An Interview with Donald Blackhawk

Over the past five months, the *Bulletin* has published a series of interviews with the Judges and Justices of the Ho-Chunk Nation Trial and Supreme Courts. Although these interviews received a warm response, a number of our readers pointed out that the five part series did not allocate an issue for an interview with a representative of the Ho-Chunk Nation Traditional Court. In response, the *Bulletin* will extend the series to include an interview with Donald Blackhawk, a member of the Ho-Chunk Nation Traditional Court.



DN: Well, to start with I should admit that I don't know you as well as the other Judges and Justices I've interviewed, so I should probably start with some background information. Could you tell me three things about yourself that you think I should know?

DB: First of all, I originally came from Black River [Falls]. I moved

away from there in 1954. I got married and lived in North Dakota for 7½ years. Then I went to school--I was sent to Kansas City Missouri--and when I finished I moved back to the Neillsville area. Then from there we went to Saint Paul. That was 1961, and me and my family have had good luck here ever since. I own a home on the



“east side,” and all my kids grew up here. (Five boys and three girls.)

I also have 14 grandchildren and four great-grandchildren. They all live here in St. Paul with me.

DN: Well, apart from the time you spend with the Traditional Court [Donald makes the weekly drive from St. Paul to sit with the Traditional Court in their Monday morning session], what do you do with your time?

continued from page 1
an extended family.--Other than

DB: I seem to spend a lot of my time answering phones. The thing is constantly ringing--usually for someone else. Apart from that, I keep myself busy within the community here in St. Paul--the Indian community. I'm involved with several types of programs. I volunteer at least twice each month with a couple of my boys down at the Council of Churches' Emergency Food Shelves.

I'm also involved with an Elders Council at the University of Minnesota. A lot of students come to that huge institution from different reservations and they feel kind of lost. So the Council meets with the students, especially the freshmen, and tries to give them encouragement and advice.

You know, the students are usually fine while they're busy during the day, but when they get to their rooms at night and they don't see any of their Indian family and friend's like they're used to on the reservation, they kind of get homesick.

The Elders Council helps them with the transition, and lets them know that they're not alone. That even though they may not see Indians everyday, they are out there in the city, and they are kind of like
continued on page 2

that, I spend most of my time busying myself around the house.

Interview	1
Court News	2
In the Matter of Motions to Dismiss	3
Recent Decisions	4
Recent Filings	4
Court Fees	5
Legal Citation Form	5

It seems like there's always something to be done.

DN: How did you become a member of the Traditional Court?

DB: When they were first going to start the Court, they said they needed someone from my clan and they asked me if I would sit on the Court--but it wasn't until a year later that they called the first meeting and really tried to make it work.

Then we all had to feel each other out, and figure out how they used to do this. What we do now isn't exactly what they used to do before the European invasion came along, but naturally we couldn't do exactly what they did back then, but somehow we still hang on to the traditional ways--the clan system. So we just go with that. We don't really sentence anybody. We just make recommendations to the people that come in and unravel some of the happenings. Then we study the problem and discuss it amongst ourselves and try to come up with an answer from a traditional perspective.

We get a lot of juveniles in our Court. We do a lot of talking to them and we make them believe that they are worth talking to, that they are somebody, that they are the future of our Nation--that they are important to us, and that the whole Nation cares for them--whether they know it or not. Maybe they don't think that way, but we [the Court] are representing a whole bunch of people--our extended family, the members of our clan. [Donald belongs to the Warrior Clan.]

DN: Do you think of yourself more as judge or a mediator?

DB: I definitely think of myself more as a mediator and a counselor. Actually, I've been a certified co-dependency counselor since 1972.

DN: Does the Court conduct all of its business in Ho-Chunk? What happens if someone who doesn't speak Ho-Chunk needs to appear in Court?

DB: Most of the time we do speak Ho-Chunk. Originally, we planned on speaking Ho-Chunk all the time. However, we often have so many people who want to see us that if someone doesn't speak Ho-Chunk, we can't take the time to have everything translated.

DN: Do you think that use of the Traditional Court is growing?

DB: Yeah, it sure is. At the beginning we had a lot of business, and then for a while it was kind of quiet, but now its really picked up again. In fact, a lot of times people have to wait a week before they can get in to see us. Still, people who've come before us usually say that they're satisfied--that they get a lot out of the experience.

DN: Like you said earlier, I think the Traditional Court's role as a mediator really fills a void in the Anglo judicial system.--Well, I'd like to finish with a few questions that I've been asking all of my interviewees. To start with, do you have a favorite word?

DB: Waruc [to eat].

DN: Excellent--A very fine selection! Do you have a least favorite word?

DB: Ha tuš ak [*DN:* Does that mean hungry ☺?] No, it means "I can't do it." Some people give up too easily.

DN: What about a favorite noise?

DB: Jingling money.

DN: Do you have a least favorite noise?

DB: Airplanes taking off and flying right over my house.

DN: Is there a profession or job you've always wanted to try but never had the chance?

DB: I don't know, I've done a lot of things. I worked for the school district for fourteen years. During that time I also worked summers as a camp counselor in Northern Minnesota. I worked there for 7½ years. Before working for the school district I spent two years at The Little Red School House [an educational program in the Twin Cities]. And before that I was a Court Advocate at the Ramsey County Courthouse. I was also a welder for two years.

DN: What did you do as a Court Advocate?

DB: I worked with the Indian community. Early in the morning I'd go to the jail, and if there was an Indian that had been picked up the night before I'd meet with them and see what we could do to help them. We'd talk about what happened the night before--usually it was alcohol

continued on page 3

continued from page 3
related.

After our talk, I'd meet with the District Attorney and the Judge and make a recommendation, and we'd all try to work something out.

One time I got called by a Judge in Scott County. After I explained the program to him, he sent me to talk to this guy in jail. After our talk, the Judge sentenced the man to probation, but I had to take him back to St. Paul and help him report to the judge and his probation officer.

You know, that guy never forgot about what I did. Years later I saw him at the Mankato Pow Wow. He had a concession stand and he cooked me up a meal, and as we were sitting there he told his wife about me and what I had done for him. He told me he never forgot about what I did, and that he would feed me whenever he saw me.

That program worked really well and a lot of different courts heard about it and requested our services. But in the end too many people were requesting our help and there wasn't enough time in the day. We just couldn't keep up with the demand.

All these experiences I use in my work at the Traditional Court.

DN: In doing all these different things, what keeps you going? What motivates you?

DB: Well, I guess the job is never done. Its not 8:00-5:00 work, but its something we were told to do in our traditional ways -- although it depends on what clan you belong to. The [members of the] Warrior Clan are supposed to be advocates.

We take care of the fireplace, you might say. What I do is part of my duties as a member of the Warrior

Clan.--They asked me what I was going to do when I retired, and I told them that I don't own a rocking chair and I don't fish, so I've got to have something to do. ☺

DN: One final question--the one I always finish with--If you could witness any event in the history of the world, what would it be?

DB: I always kind of wondered how did we [Indians] break up. Ho-Chunks are the root of all the Siouan people who migrated out west. From there they branched away from each other--but in the beginning they came from us, from the Great Lakes region. I'd like to know why these people broke away from the main group.

DN: Well, I and the *Bulletin's* readers thank you for your time, and I hope you don't buy a rocking chair or take up fishing anytime in the near future.

!!!Court News!!!

- ◆ The Ho-Chunk Nation Supreme Court will be in session at the Ho-Chunk Nation Courthouse at 9:00 am on March fourth. As always, the meeting is open to the public.
- ◆ The Office of Public Advocacy recently expanded its hours and available services. The office will now be open 9:00 am to 4:00 pm, and will be able to assist tribal members in filling out standardized court forms. It should be noted, however, that this assistance is still limited to procedural issues. When substantive advice is needed, the Office will refer

tribal members to available attorneys and lay advocates.

In the Matter of Motions to Dismiss

On Jan 12, 2000, the Ho-Chunk Nation Trial court issued an Administrative Order regarding the filing of Motions. For the convenience of Ho-Chunk Bar Members, the full text of this *Order* appears below.

INTRODUCTION

It has come to the Court's attention that litigants and attorneys are commonly embedding *Motions to Dismiss* within other pleadings (e.g. *Answers*). While this practice is allowable under *Ho-Chunk Nation Rules of Civil Procedure*, Rule 19(A), ambiguous language within recent filings has caused some confusion.

The *Ho-Chunk Nation Rules of Civil Procedure*, Rule 18, mandates that the Court treat all "requests" as *Motions*. Confusion arises when parties "request" dismissal, but do not reflect this "request" in the caption. Parties proceeding *pro se*, or counsel not familiar with the *Ho-Chunk Nation Rules of Civil Procedure*, may easily overlook the embedded *Request/Motion*. Further, the Court wishes parties to clearly state the exact intention of documents filed with the Court so that time limitations mandated by the *Ho-chunk Nation Rules of Civil Procedure* may be correctly administered.

THEREFORE, the Court orders

continued on page 4

continued from page 3
that all “requests” and *Motions* must be clearly enumerated in the captions of the pleadings in which they appear. “Requests” and *Motions* not so enumerated will not be considered.

IT IS SO ORDERED Jan 12, 2000 at the Ho-Chunk Nation Trial Court in Black River Falls, Wisconsin from within the sovereign lands of the Ho-Chunk Nation.

Recent Decisions

Ho-Chunk Nation Trial Court:

In the Matter of Motions to Dismiss, Administrative Order 00-01 (HCN Tr. Ct., Jan. 12, 2000).

Nancy Texidor v. Silas Cleveland, CS 99-80 (HCN Tr. Ct., Jan 14, 2000) Judgment (Enforcing Child Support).

Kathy Waukau-Bourdon v. Timothy W. Bourdon, CS 99-69 (HCN Tr. Ct., Jan 14, 2000) Order (Judgment Enforcing Child Support); *Carol Barnes v. Timothy W. Bourdon*, CS 98-59 (HCN Tr. Ct., Jan. 14, 2000) Order (Judgment Enforcing Child Support).

Brandon Bryan Thundercloud by and through his mother Janelle Fox v. Bryan Thundercloud, CS 99-82 (HCN Tr. Ct., Jan 14, 2000) Motion Impounding Per Capita (In Part).

State of Wisconsin/Sauk County, and Janet Funmaker and Barbara Goodbear v. Audrey L. Goodbear, CS 99-83 (HCN Tr. Ct., Jan. 17,

2000) Order (Enforcing Child Support).

Tammy L. Blackdeer v. Clifford T. Blackdeer, CS 99-67 (HCN Tr. Ct., Jan 17, 2000) Erratum Order.

Monica Jo Petoskey v. Robert L. Funmaker, CS 99-76 (HCN Tr. Ct., Jan. 25, 2000) Erratum.

Alisa Cantwell v. Sterling Funmaker, CS 99-79 (HCN Tr. Ct., Jan. 25, 2000) Judgement (Enforcing Child Support).

Ho-Chunk Nation Supreme Court

Jolene Smith v. Scott Beard Department of Education, and the Ho-Chunk Nation, SU 99-09 (HCN S. Ct., Jan 11, 2000) Decision.

Ho-Chunk Housing Authority v. Dan and Beverly Crowe, SU 00-02 (HCN S. Ct., Jan. 12, 2000) Order Granting Stay.

Ho-Chunk Nation Housing Authority v. Cheryl Decorah-Snake, SU 00-01 (HCN S. Ct., Jan. 14, 2000) Order Granting Stay.

Ho-Chunk Nation Housing Authority v. Dan and Beverly Crowe, SU 00-02 (HCN S. Ct., Jan 27, 2000) Order of Remand for Reconsideration of Stay Pursuant to sec. 5.03 of the HCN Eviction Ordinance.

Recent Filings

Ho-Chunk Nation Trial Court:

State of Wisconsin/Buffalo County

and Lynn M. Schultz v. Willis N. Crowder, CS 00-01, filed Jan. 4, 2000.

State of Wisconsin/Columbia County and Suzy B. Shesky v. Howard Ryan, CS 00-02, filed Jan. 5, 2000.

Audrey L. Goodbear v. Max Funmaker, Jr., CS 00-03, filed Jan. 5, 2000.

HCN Housing Authority v. Lisa Banuelas, CV 00-01, filed Jan. 7, 2000.

HCN Dept. of Housing, Division of Property Management v. Phyliss McCloud, CV 00-02, filed Jan 7, 2000.

HCN Dept. of Housing, Division of Property Management, Dawn Smith DeVerney, CV 00-03, filed Jan. 7, 2000.

In the Interest of S.J.R., DOB 3/31/99 by Virginia Littlegeorge, JV 00-01, filed Jan. 7, 2000.

Joyce M. St. Cyr v. Robb M. Mobley, CS 00-04, filed Jan. 12, 2000.

Helen Harden v. Ho-Chunk Nation Social Service, Division of Child and Family Services, CV 00-04, filed Jan. 13, 2000.

Helen Harden v. Ho-Chunk Nation Social Service, Division of Child and Family Services, CV 00-05, filed Jan. 13, 2000.

Marylin Migala v. Rainbow Casino and the Ho-Chunk Nation, CV 00-06, filed Jan. 13, 2000.

continued on page 5

continued from page 4
In the Interest of Minor Child P.L.H. DOB 10/24/84, JV 00-02, filed Jan. 13, 2000.

In the Interest of Minor Child E.J.H, DOB 08/28/85, filed Jan. 13, 2000.

In the Interest of Minor Child T.M.A. DOB 5/13/86 by Pamela Anderson v. HCN Office of Tribal Enrollment, CV 00-07, filed Jan 14, 2000.

In the Interest of Minor Child S.M.K. DOB 11/18/92, JV 00-04, filed Jan 14, 2000.

In the Interest of Kirsten McKee DOB 10/18/93, JV 00-05, filed 1/14/00.

In the Interest of Sierra McKee DOB 12/13/95, JV 00-06, filed Jan. 14, 2000.

Dennis M. Johnson v. Chris Straight, CV 00-08, filed Jan. 17, 2000.

Ho-Chunk Nation Department of Housing, Division of Property Management v. Nicole L. Ward, CV 00-09, filed Jan 19, 2000.

State of Wisconsin/Columbia County v. Freeman Decorah, CS 00-05, filed Jan. 20, 2000.

Margaret Garvin v. Donald Greengrass, CV 00-10, filed Jan. 25, 2000.

Amy L. Heimlich and Tara Snowball v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-11, filed Jan. 25, 2000.

In the Interest of B.R.B. DOB

02/03/86 by Leanne Burnstad, CV 00-12, filed Jan 28, 2000.

In the Interest of A.B., DOB 06/28/87, JV 00-07, filed Jan. 28, 2000.

In the Interest of J.B., DOB 09-01088, JV 00-08, filed Jan. 28, 2000.

In the Interest of R.B., DOB 04/23/91, JV 00-09, filed Jan 28, 2000.

Ho-Chunk Nation Supreme Court:

Ho-Chunk Nation Housing Authority v. Cheryl Decorah Snake, SU 00-01, filed Jan. 7, 2000.

Ho-Chunk Nation Housing Authority v. Dan and Beverly Crowe, SU 00-02, filed Jan. 11, 2000.

HCN Court Fees

- Filing Fees. \$35
- Service of Summons
 - In Person. \$15 (or cost, if out of state)
 - By Mail. \$4 (or cost, whichever is greater)
 - By the Court. \$0.31 (per mile)
- Copying. \$0.10/per page
- Faxing \$0.25/per page (sending & receiving)
- Tapes of Hearings. \$10 / tape
- Deposition Videotape. . . . \$10 / tape
- Certified Copies. \$0.50/

- page
- Equipment Rental. \$5.00/hour
- Register a Foreign Orders. \$15
- Appellate filing fees. \$35
- Admission to Practice. \$50
- Pro Hac Vice Appearance. \$35

Legal Citation Form

Below are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

- Constitution, Article Number, Section, and Subsection.
- HCN CONST., ART. XI, Sec. (or §) 7.
- HCN CONST., ART. II, Sec. (or §) 1(a).

HCN Ordinances

- Ordinance Name, Chapter number, Section/Part/Clause, page.
- PERSONNEL POLICIES AND PROCEDURES MANUAL, Ch. 12, Part B, p. 82.
- CLAIMS AGAINST PER CAPITA, §6.01(b).

HCN Supreme Court Case Law

- Case Name, Case No (HCN S. Ct., month, day, year).
- Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).*
- Smith v. Casino, SU 94-11 Order (HCN S. Ct., Dec. 1, 1993).*

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr.
Ct., month, day, year).

Jane Doe v. Bob Smith, CV 99-01
(HCN Tr. Ct., Nov. 1, 1999)

In the Interest of Minor Child X,
JV 95-047 (HCN Tr. Ct., May 23,
1994).

Rules of Civil Procedure

HCN R.. Civ. P. 19(B).

Ho-Chunk Nation Court Bulletin

An informational bulletin published for the benefit of attorneys and tribal members.

Vol. 6 No. 3

March 2000

Stand Up and Be Counted-Participate in the Census

From the Native American Report:

The federal government is trying to make a concerted effort to take a more accurate count of Native Americans than they did in the 1990 Census.

The government is taking initiatives in several states to increase the count accuracy. If successful, a more accurate 2000 census could benefit tribes involved, and the states they live in, by providing more federal dollars for their counties.

In Oklahoma, the U.S. Census Bureau is making special efforts to recruit American Indians as census takers and to involve tribes in getting responses to census surveys.

In 1990, the Bureau estimated that it missed more than 6,000 American Indians in Oklahoma. Indians are the largest minority population in the state.

In North Carolina, it is estimated that census takers missed 12.2 percent of the American Indian population living on reservations in 1990. This number includes members of the Eastern Band on the Cherokee Indian Reservation. The Census Bureau is also trying to provide outreach to Native Americans in North

Carolina, particularly on the Cherokee Reservation.

The very first Americans to be counted in the 2000 census were 800 Alaskan Natives in Unalakleet, Alaska. About 200 head counters went door to door to begin the \$6.5-billion decennial tally of the



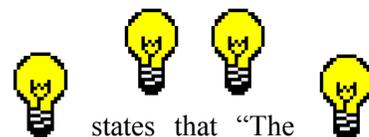
Nation's estimated 275 million residents.

To promote the Alaska event, organizers planned a community potluck dinner with the Director of the U.S. Census Bureau and a ceremony featuring Native dancers.

In the 1990 census, only 52 percent of Alaska residents returned the mail-in questionnaire. This was the lowest response rate of any state.

Practice Tip

Article VII, §5(a) of the *Ho-Chunk Nation Constitution*



states that "The Trial Court shall have original jurisdiction over all cases and controversies, both criminal and civil, in law or in equity, arising under the Constitution, laws, customs, and traditions of the Ho-Chunk Nation . . ." Additionally, §2 of the *Ho-Chunk Nation Judiciary Act* states, "The Ho-Chunk Judiciary shall exercise jurisdiction over all matters within the power and authority of the Ho-Chunk Nation including controversies arising out of the Constitution of the Ho-Chunk Nation; laws, statutes, ordinances, resolutions and codes enacted by the Legislature; and such other matters arising under enactments of the Legislature or the customs and traditions of the Ho-Chunk Nation." Taken together, these passages are the basis for the subject matter jurisdiction of the Ho-Chunk Nation Courts. This means that all *Complaints* filed in the Trial Court should articulate a source from one of the above delineated categories establishing the Court's subject matter jurisdiction.

Be Counted	1
Practice Tip	1
Online	2
Definition	2
Court News	2
Conference	2
Recent Decisions	2
Recent Filings	5
Legal Citation Form	5



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www.ho-chunk.com

Just a reminder that all sorts of legal information can be found on the Court's regularly updated websight. A selection of Trial and Supreme Court opinions, as well as statutory law and the Rules of Civil and Appellate Procedure are all readily accessible. Additionally, if you have a question or wish to contact the Court, you can address e-mail to the Staff Attorney, David Neubeck at



dneubeck@ho-chunk.com. Happy Surfing!!!☺

Legal Definition

Subject Matter Jurisdiction

Jurisdiction over the nature of the case and the type of relief sought; the extent to which a court can rule on the conduct of persons or the status of things.

BLACK'S LAW DICTIONARY 857 (7th ed. 1999).

!!!Court News!!!

◆ A good news, bad news

situation: The bad news is that the Ho-Chunk Nation Supreme Court is saddened to lose the services of their long time clerk, Willa RedCloud. The good news, however, is that the Ho-Chunk Nation Court System will retain the services of Ms. Redcloud, as she will be taking over the Bailiff/Process Server position previously held by Tari Pettibone.

Because of Ms. Redcloud's "transfer," the Ho-Chunk

- ◆ Staying in the personnel vein: The Ho-Chunk Nation Trial Court is happy to announce that Jeanne Colwell has started work as the Court's new Administrative Assistant. Ms. Colwell transferred to us from the Employee Assistance Program.
- ◆ The Ho-Chunk Nation Supreme Court Meeting scheduled for March 4, 2000 has been cancelled.
- ◆ The HCN Rules of Judicial Ethics, as well as an updated list of HCN Bar members are both available through the Willa RedCloud at the Ho-Chunk Nation Courthouse. This list of current Bar members will also be published in the next issue of the Hoc_k Woduk.

Coming Together of the People's Conference

University of Wisconsin law students recently held their 14th Annual *Coming Together of the People's Conference*. Although attendance on the first day was

hampered by a blast of winter weather, the schedule was shuffled and all promoted presentations were eventually made. Topics discussed included Health, Federal Legislation, Education, and Business.

Additionally, conference attendees enjoyed a wonderful banquet punctuated by a keynote address from Wisconsin Supreme Court Chief Justice Shirley Abrahamson and entertainment from comedian Charlie Sheen. The banquet was capped by a presentation of the Gargoyle Award to Attorney and former President of the Ho-Chunk Nation, JoAnn Jones.

Recent Decisions

from the Indian Law Reporter

United States Courts of Appeals

Ninth Circuit

United States v. Footracer, No 97-10528, 26 Indian L. Rep 2195 (9th Cir., Aug. 31, 1999).--The Ninth Circuit holds that the transfer of an action for trial from Prescott to Phoenix, Arizona where the differential of Native American representation in the population from which juries are drawn is 20.78% compared to .3% does not violate a Native American defendant's Sixth Amendment right to a jury venue reflecting a fair cross-section of the community.

United States District Courts

District of Massachusetts

Wampanoag Tribe of Gayhead v. Massachusetts Commission Against Discrimination, et al., Civil Action

Continued on page 3

Continued from page 2
No. 98-12413-RCL, 26 Indian L. Rep. 3211 (D. Mass., Sept. 7, 1999).--The district court holds that the Wampanoag Tribe retains its inherent sovereign immunity from the exercise of jurisdiction over the Tribe by the State of Massachusetts and enjoins the plaintiff from pursuing her claim of employment discrimination before the Massachusetts Commission Against Discrimination.

District of Montana

Bear Medicine, et al. v. United States, No. CV-95-100-GF-PGH, 26 Indian L. Rep. 3214 (D. Mont., Apr. 21, 1999).--The district court holds that no liability under the Federal Tort Claims Act (FTCA) can be premised on a breach of duty arising from the trust relationship between the United States and an Indian tribe, and the discretionary function exception to the FTCA's waiver of sovereign immunity precludes an action grounded on the United States decision to entrust timber management to a logger, not to manage or supervise the safety aspects of the logger's operation, and not to require the logger to purchase liability insurance or worker's compensation insurance.

Big Horn County Electric Cooperative, Inc., Adams, et al., No. CV 98-43-BLG-JDS, 26 Indian L. Rep. 3321 (D. Mont., Dec. 8, 1997).--The district court holds that the Crow Tribe's Tax Commissioner and other defendants and their successors are permanently enjoined from assessing the *ad valorem* tribal utility tax against the Big Horn County Electric Co-op's property located on non-member fee land or

its equivalent, including rights-of-way over tribal land, and orders the defendants to refund all of the utility taxes previously paid.

Tribal Courts

Mashantucket Pequot Tribe

Garry, Jr. v. Mashantucket Pequot Gaming Enterprise, No. MPTC-EA-98-115, 26 Indian L. Rep. 6168 (Mashantucket Pequot Tr. Ct., Aug. 18, 1998).--The Mashantucket Pequot Tribal Court dismisses an appeal of an employment termination action finding that the decision to terminate the plaintiff was not arbitrary, capricious or an abuse of discretion.

Healy v. Mashantucket Pequot Gaming Enterprise, No. MPCA-EA-98-1031, 26 Indian L. Rep. 6189 (Mashantucket Pequot Ct. App., Jan. 7, 1999).--The Mashantucket Pequot Court of Appeals reverses the trial court's grant of the defendant's motion to dismiss the plaintiff's appeal of his termination from employment for lack of subject matter jurisdiction. The court held that the tribal court has Title I subject matter jurisdiction over the plaintiff's claim that the plaintiff's due process rights under the Indian Civil Rights Act were violated by the Gaming Enterprise's denial of the his right to a Board of Review hearing, and that the court's exercise of jurisdiction does not implicate the Tribe's sovereign immunity to suit.

Ho-Chunk Nation Trial Court:

State of Wisconsin-Shawano County v. Roger Thundercloud, CS 99-56 (HCN Tr. Ct., Jan. 28, 2000)

Order Granting Plaintiff's Expedited Motion to Appear Telephonically).

Helen Harden v. Ho-Chunk Nation Social Services and ICW/CFS, CV 00-04, 00-05 (HCN Tr. Ct., Feb. 1, 2000) Order (Recusal of Judge).

Ho-Chunk Housing Authority v. Dan and Beverly Crowe, CV 99-95 (HCN Tr. Ct., Feb. 3, 2000) Stay of Writ of Restitution.

State of Wisconsin-Columbia County and Susie B. Shesky v. Howard Ryan CS 00-02 (HCN Tr. Ct., Feb. 4, 2000) Order (Granting Plaintiff's Expedited Motion to Appear Telephonically).

HCN Dept. of Housing, Property Management Division v. Dawn M. Smith Deverney, CV 00-03 (HCN Tr. Ct., Feb. 7, 2000) Writ of Restitution.

HCN Dept. of Housing, Property Management Division v. Dawn M. Smith Deverney, CV 00-03 (HCN Tr. Ct., Feb. 7, 2000) Eviction Order (Restitution and Relief).

Darren L. Brinegar v. Dan Sine, Former Director of Business, CV 99-78, (HCN Tr. Ct., Feb. 7, 2000) Order (Motion Hearing).

HCN Dept. of Housing, Property Management Division v. Charlene Long, CV 99-98 (HCN Tr. Ct., Feb. 7, 2000) Eviction Order (Restitution and Relief).

HCN Dept. of Housing, Property Management Division v. Charlene Long, CV 99-98 (HCN Tr. Ct., Feb. 7, 2000) Writ of Restitution.

Jean Ann Day v. Perry Bell, Carol Roberts, Sid Lewis and Department

Continued on page 4

Continued from page 3
of Social Services, CV 99-70 (HCN Tr. Ct., Feb. 8, 2000) Order (Extension of Discovery).

Ho-Chunk Nation Housing Authority v. Junetta Hazel Beighley, CV 00-13 (HCN Tr. Ct., Feb. 9, 2000) Temporary Restraining Order.

Daniel Youngthunder Sr., v. Jonette Pettibone, Ann Winnesheik, Ona Garvin, Rainbow Casino Management, CV 98-48 (HCN Tr. Ct., Feb. 9, 2000) Judgment.

Karen Raines v. Ho-Chunk Nation, CV 99-32 (HCN Tr. Ct., Feb. 9, 2000) Order (Granting Extension).

State of Wisconsin for Debra Streeter v. Marcel R. Decorah, CV 96-89 (HCN Tr. Ct., Feb. 9, 2000) Order (Requiring Accounting).

Cheryl K. Smith v Rainbow Casino, CV 98-65 (HCN Tr. Ct., Feb. 10, 2000). Motion to Dismiss (Granted).

Stewart Miller v. DeJope Bingo and Ho-Chunk Nation, CV 99-90 (HCN Tr. Ct., Feb. 11, 2000) Order (Extension of Discovery).

Ho-Chunk Nation v. Harry Steindorf and Jess Steindorf, CV 99-82 (HCN Tr. Ct., Feb. 11, 2000) Order (Granting Motion to Dismiss).

Ho-Chunk Housing Authority v. Cheryl Decorah-Snake, CV 99-93 (HCN Tr. Ct., Feb. 18, 2000) Motion for Stay (Granted).

Nancy Roskos/Cynthia Vanderwall v. Ho-Chunk Nation Gaming

Commission, CV 99-54/CV 99-55 (HCN Tr. Ct., Feb. 21, 2000) Judgment.

In the Interest of the Minor Children: J.L.G. D.O.B. 05/02/82, S.C.G. D.O.B. 12/23/86, A.A.G. D.O.B. 05/09/91, C.A.G. D.O.B. 08/29/84, J.W.G., D.O.B. 12/28/88, by Rae Anna Garcia v. Ho-Chunk Nation Enrollment Dept., CV 99-59 (HCN Tr. Ct., Feb. 23, 2000).

Ho-Chunk Nation Housing Authority v. Junetta Hazel Beighley, CV 00-13 (HCN Tr. Ct., Feb. 23, 2000) Order (Extension of Temporary Restraining Order).

Lisa M. Matchopatow v. Derek J. Fanning, CV 99-72 (HCN Tr. Ct., Feb. 24, 2000) Order (Redirecting Child Support; *Amanda Fanning v. Derek J. Fanning*, CV 97-81 (HCN Tr. Ct., Feb. 24, 2000) Order (Redirecting Child Support)).

State of Wisconsin-Sauk County and Joyce St. Cyr v. Robert M. Mobley, CS 99-37 (HCN Tr. Ct., Feb. 24, 2000) Order (Granting Motion to Appear Telephonically); *State of Wisconsin v. Sauk County and Jennifer Stanley v. Robert M. Mobley*, CS 99-38 (HCN Tr. Ct., Feb. 24, 2000) Order (Granting Motion to Appear Telephonically); *Joyce St. Cyr v. Robert M. Mobley*, CS 00-04 (HCN Tr. Ct., Feb. 24, 2000) Order (Granting Motion to Appear Telephonically)

State of Wisconsin-Sauk County and April Bourdon v. Max P. Funmaker, CS 99-28 (HCN Tr. Ct., Feb. 24, 2000) Order (Granting Plaintiff's Motion to Appear Telephonically); *State of*

Wisconsin-Sauk County and Audrey L. Goodbear v. Max P. Funmakler, Jr., CS 98-12 (HCN Tr. Ct., Feb. 24, 2000). Order (Granting Plaintiff's Motion to Appear Telephonically); *State of Wisconsin-Juneau County and Audrey L. Goodbear v. Max P. Funmaker, Jr.*, CS 00-03 (HCN Tr. Ct., Feb. 24, 2000) Order (Granting Plaintiff's Motion to Appear Telephonically).

Lana Lincoln v. Jon Eric Miner, CS 99-62 (HCN Tr. Ct., Feb. 24, 2000) Erratum.

State of Wisconsin Shawano Co., v. Roger Thundercloud, CS 99-56 (HCN Tr. Ct., Feb. 25, 2000) Judgment Enforcing Child Support, *Joanne Thundercloud v. Roger Thundercloud*, CS 99-45 (HCN Tr. Ct., Feb. 25, 2000) Judgment Enforcing Child Support.

Kathy Waukau-Bourdon v. Timothy W. Bourdon, CS 99-69 (HCN Tr. Ct., Feb. 25, 2000) Order (Redirecting Child Support); *Carol Barnes v. Timothy W. Bourdon* (HCN Tr. Ct., Feb. 25, 2000) Order (Redirecting Child Support).

Theresa L. Escalante v. Daniel Rockman, CS 98-54 (HCN Tr. Ct., Feb. 25, 2000) Order (Redirecting Child Support).

Deena M. Basina v. William P. Smith, CS 98-53 (HCN Tr. Ct., Feb. 25, 2000) Order (Redirecting Child Support).

Loretta Hopinka v. Dean Hopinka, CS 99-14 (HCN Tr. Ct., Feb. 25, 2000) Order (Redirecting Child Support).

HCN Dept. Of Housing Property Management Division v. Timothy
Continued from page 4
Ct., Feb. 25, 2000) Eviction Order (Restitution and Relief).

HCN Dept. of Housing Property Management Division v. Timothy Whiterabbit, CV 99-96 (HCN Tr. Ct., Feb. 25, 2000) Writ of Restitution.

Ho-Chunk Nation Supreme Court

Ho-Chunk Nation Housing Authority v. Autumn White, SU 00-03 (HCN S. Ct., Feb 4, 2000). Order of Remand for Reconsideration.

Lonnie Simplot, Linda Severson and Carol Ravet v. HCN Department of Health, SU 99-07 (HCN S. Ct., Feb. 7, 2000). Decision on Reconsideration.

Jolene Smith v. Scott Beard, Dept. of Education and the Ho-Chunk Nation, SU 99-09 (HCN S. Ct., Feb. 8, 2000). Decision on Motion for Reconsideration.

James and Mildred Smith v. Ron Wilbur, SU 99-12 (HCN S. Ct., Feb. 9, 2000). Decision and Order Dismissing Appeal.

Recent Filings

Ho-Chunk Nation Trial Court:

Ho-Chunk Nation Housing Authority v. Junetta H. Beighley, CV 00-13, filed Feb. 4, 2000.

In the Interest of D.M.S.T. D.O.B 07/01/83 by Roxanne Tallmadge Johnson, CV 00-14, filed Feb. 7, 2000.

Ho-Chunk Nation Department of Housing v. Sara Dobbs, CV 00-15,

Whiterabbit, CV 99-96 (HCN Tr. *Continued on page 5*
filed Feb. 7, 2000.

Ho-Chunk Nation Department of Housing v. Sara Dobbs, CV 00-16, filed Feb. 8, 2000.

Ho-Chunk Nation Housing Authority v. Robin LaMere & Reuben Rave, CV 00-17, filed Feb. 8, 2000.

In the Interest of Zachary Mitchell by Selina G. Mitchell v. Office of Tribal Enrollment, CV 00-18, filed Feb. 14, 2000.

Ho-Chunk Nation Department of Housing, Property Management Division, v. Sara WhiteEagle, CV 00-19, filed Feb. 15, 2000.

In the Interest of Angelina Naquaoyoama by Lucinda Naquayouma v. Office of Tribal Enrollment, CV 00-20, filed Feb. 16, 2000.

Ho-Chunk Nation Housing Authority v. Iris Lyons and Bernard Mountain, Jr., CV 00-21, filed Feb. 21, 2000.

Sauk County v. Jeanette Decorah, CS 00-10, filed Feb. 24, 2000.

State of Wisconsin v. Andrew G. Funmaker, CS 00-11, filed Feb. 24, 2000.

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CLAIMS AGAINST PER CAPITA, §6.01(b).

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04 (HCN S. Ct., Aug. 14, 1995).

Smith v. Casino, SU 94-11 *Order* (HCN S. Ct., Dec. 1, 1993).

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Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999)

In the Interest of Minor Child X, JV 95-047 (HCN Tr. Ct., May 23, 1994).

Rules of Civil Procedure

HCN R.. Civ. P. 19(B).

Ho-Chunk Nation Court Bulletin

An informational bulletin published for the benefit of attorneys and tribal members.

Vol. 6, No. 4

April 2000

Congress Eliminates Secretarial Approval of Contracts

On March 14, 2000, President Clinton signed into law Senate Bill 613. Sen. Ben Nighthorse Campbell (R-Colo.) Sponsored this Bill (Public Law 106-179) which amends 25 U.S. C. 81 to eliminate the requirement that the Secretary of Interior approve certain contracts with Indian tribes. Tribes no longer need Secretarial approval of contracts that encumber Indian lands for less than seven years, provided that the contract provides a remedy for breach, references statutory or common law disclosing the right of the tribe to assert sovereign immunity, or includes an express waiver of sovereign immunity.

In addition to the above provisions, Public Law 106-179 eliminates the need for Secretarial approval of attorney contracts. The full text of the law can be found on page 2.

In additional legislative news, the Federal Communications Commission has recently authorized two new classes of radio stations. These two new types of stations are designed to serve very localized communities and underrepresented groups within larger geographic areas. Both classes of station are

noncommercial, low power, and assigned to the FM band. "LP 100" stations have power from 50-100 watts and a service radius of about 3.5 miles. "LP 10" stations have power from 1-10 watts and a service radius of about



1-2 miles. Eligibility for licenses is limited to: noncommercial government or private educational organizations, associations or entities; non profit entities with educational purposes; or government or nonprofit entities providing local public safety or transportation services. Applications for licenses should be available within the next few months.

Case

On Feb. 23, 2000, the U.S. Supreme Court handed down its decision in *Rice v. Cayetano*, No.98-818___ U.S. ___ (2000), striking down a Hawaii law limiting suffrage in elections for trustees of the Office of Hawaiian Affairs (OHA) to descendants of inhabitants of the Hawaiian Islands as of 1778.

In arguing for the law's constitutionality, the State of Hawaii analogized the status of native Hawaiians to the trust relationship between the federal government and federally recognized Indian tribes. In a 7-2 decision (Kennedy, Rehnquist, O'Connor, Scalia and Thomas; Breyer and Souter concurring), five members of the Court did not reach the trust relationship issue, but rather held that Hawaii's law violated the 14th Amendment's prohibition on using race-based criteria to determine eligibility for state elections. The Court's opinion emphasized the political basis for the special legislation applicable to *continued on page 2*

U.S. Supreme Court Rules in Hawaiian Voting

Legislation	1
Supreme Court	1
Law	2
Recent Decisions	2
Recent Filings	5
Legal Citation Form	5
Court Fees	5

To encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Tribal Economic Development and Contract Encouragement Act of 2000”.

SEC. 2. CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.

Section 2103 of the Revised Statutes (25 U.S.C. 81) is amended to read as follows: ‘Sec. 2103. (a) In this section:

“(1) The term ‘Indian lands’ means lands the title to which is held by the United States in trust for an Indian tribe or lands the title to which is held by an Indian tribe subject

to a restriction by the United States against alienation.

“(2) The term ‘Indian tribe’ has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

“(3) The term ‘Secretary’ means the Secretary of the Interior.

“(b) No agreement or contract with an Indian tribe that encumbers Indian lands for a period of 7 or more years shall be valid unless that agreement or contract bears the approval of the Secretary of the Interior or a designee of the Secretary.

“(c) Subsection (b) shall not apply to any agreement or contract that the Secretary (or a designee of the Secretary) determines is not covered under that subsection.

“(d) The Secretary (or a designee of the Secretary) shall refuse to approve any agreement or contract that is covered under sub-section (b) if the Secretary (or a designee of the Secretary) determines that the agreement or contract—

“(1) violates Federal law; or

“(2) does not include a provision that—

“(A) provides for remedies in the case of a breach of the agreement or contract;

“(B) references a tribal code, ordinance, or ruling of a court of competent jurisdiction that discloses the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe; or

“(C) includes an express waiver of the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe (including a waiver that limits the nature of relief that may be provided or the jurisdiction of a court with respect to such an action).

“(e) Not later than 180 days after the date of enactment of the Indian Tribal Economic Development and Contract Encouragement Act of 2000, the Secretary shall issue regulations for identifying types of agreements or contracts that are not covered under subsection (b).

“(f) Nothing in this section shall be construed to—

“(1) require the Secretary to approve a contract for legal services by an attorney;

“(2) amend or repeal the authority of the National Indian Gaming Commission under the Indian Gaming Regulatory Act(25 U.S.C. 2701 et seq.); or

“(3) alter or amend any ordinance, resolution, or charter of an Indian tribe that requires approval by the Secretary of any action by that Indian tribe.”.

SEC. 3. CHOICE OF COUNSEL.

continued from page 1

Indians and noted that the OHA elections are for state rather than tribal offices.

Justices Breyer and Souter also found against the State, but wrote a concurring opinion based on the lack of a trust relationship between the government and native Hawaiians. Justices Breyer and Souter found no trust relationship due to the lack of trust assets (the OHA is wholly funded through state money), and because the OHA’s definition of “Hawaiian” is dissimilar from other definitions of tribal membership.

Justices Stevens and Ginsburg dissented, writing that the federal government has a trust obligation to “indigenous peoples.” The dissenters opined that the government’s trust obligation to Indians and Hawaiians is essentially identical, and that Hawaii’s law is constitutional pursuant to the State’s obligation to carry out its trust responsibilities.

Recent Decisions

Ho-Chunk Nation Trial

Court:

In the Interest of Minor Child C.A.R.E., D.O.B. 04/08/87, JV 99-25 (HCN Tr. Ct., Feb. 29, 2000). Order (Appointment of Permanent Guardian of the Person).

Colleen D. Hansen v. Jerry. Lewis Park, CS 98-73 (HCN Tr. Ct., Mar. 2, 2000) Redirection of Child Support.

Jocelyn Lopez, CV 97-105 (HCN Tr. Ct., Mar. 3, 2000) Order (Ceasing Withholding).

continued on page 3

continued from page 2

HCN Dept. of Housing Property Management Division v. Phyliss McCloud, CV 00-02 (HCN Tr. Ct., Mar. 3, 2000) Eviction Order (Restitution and Relief).

HCN Dept. of Housing Property Management Division v. Phyliss McCloud, CV 00-02 (HCN Tr. Ct., Mar. 3, 2000. Writ of Restitution.

In the Interest of Minor Child: S.J.R., D.O.B. 03/31/99, JV 00-01 (HCN Tr. Ct., Feb. 3, 2000) Order (Appointment of Temporary Guardian of the Person).

Teresa LaBarge v. Willis Crowder, CS 98-46 (HCN Tr. Ct., Mar. 3, 2000); *State of Wisconsin/Buffalo County ex., rel Lynn M. Schultz v. Willis Crowder*, CS 00-01 (HCN Tr. Ct., Mar. 3, 2000) Order (Enforcing Child Support).

Brandon Bryan Thundercloud by and through his mother Janelle Fox v. Bryan Thundercloud, CS 99-42 (HCN Tr. Ct., Mar. 7, 2000) Order (Denying Enforcement).

HCN Dept of Housing Property Management Division v. Betty Jo White, CV 00-15 (HCN Tr. Ct., Mar. 7, 2000) Eviction Order (Restitution and Relief).

HCN Dept of Housing Property Management Division v. Betty Jo White, CV 00-15 (HCN Tr. Ct., Mar. 7, 2000) Writ of Resitution.

State of Wisconsin, Vilas County v. Mary B. Bigjohn, CV 98-64 (HCN Tr. Ct., Mar. 7, 2000) Order (Suspending Child Support).

Michelle Raye Haukaas v. Calvin Lee Nakai, CS 00-66 (HCN Tr. Ct., Mar. 7, 2000) Default Judgment (Enforcing Child Support).

State of Wisconsin and Eau Claire Co., WI v. Cecelia Cloud, CS 00-08 (HCN Tr. Ct., Mar. 7, 2000) Default Judgment (Enforcing Child Support).

State of Wisconsin, Jackson County v. James L. Pettibone, CS 00-07 (HCN Tr. Ct., Mar. 7, 2000) Order (Enforcing Child Support).

In the Interest of Minor Child(ren): A.B., D.O.B. 06/28/87, JV 00-07; *J.B., D.O.B., 09/01/88*, JV 00-08; *R.B., D.O.B., 04/23/91* JV 00-09 (HCN Tr. Ct., Mar. 7, 2000) Order (Entrance of Plea).

David Orozco v. Jovita Orozco, CV 96-68 (HCN Tr. Ct., Mar. 9, 2000) Order (Dissolving Stay).

In the Interest of the Minor Children, J.L.G., D.O.B. 5/2/82, S.C.G., D.O.B. 12/23/86, A.A.G., D.O.B., 5/9/84, C.A.G., D.O.B. 8/29/84, J.W.G., D.O.B. 12/28/88 by Rae Anna Garcia v. HCN Enrollment Dept., CV 99-59 (HCN Tr. Ct., Mar. 9, 2000) Order (Show Cause).

In the Interest of the Minor Children, J.L.G., D.O.B. 5/2/82, S.C.G., D.O.B. 12/23/86, A.A.G., D.O.B., 5/9/84, C.A.G., D.O.B. 8/29/84, J.W.G., D.O.B. 12/28/88 by Rae Anna Garcia v. HCN Enrollment Dept., CV 99-59 (HCN Tr. Ct., Mar. 9, 2000) Order (Impounding Per Capita Check and Denying Further Access to CTF's).

State of Wisconsin-Sauk County and Joyce St. Cyr v. Robert M.

Mobley, CV 99-27 (HCN Tr. Ct., Mar. 6, 2000); *State of Wisconsin-Sauk County and Jennifer Stanley v. Robert M. Mobley*, CS 99-38 (HCN Tr. Ct., Mar. 6, 2000); *State of Wisconsin-Sauk County and Jennifer Stanley v. Robert M. Mobley*, CS 99-39 (HCN Tr. Ct., Mar. 6, 2000); *Joyce M. St. Cyr v. Robert M. Mobley*, CS 00-04 (HCN Tr. Ct., Mar. 6, 2000) Order (Enforcing Child Support).

State of Wisconsin, on Behalf of Wayne Falcon v. Cynthia Radke, CV 97-111 (HCN Tr. Ct., Mar. 14, 2000) Notice of Child Turning 18.

State of Wisconsin, Jackson County, on Behalf of Annie Winneshiek v. Gregory Harrison, CV 97-158 (HCN Tr. Ct., Mar. 14, 2000) Notice of Child Turning 18.

State of Wisconsin, Jackson Co. v. Alfreda O. Sky CS 98-29 (HCN Tr. Ct., Mar. 14, 2000) Satisfaction of Judgment and Suspending Child Support Collection.

State of Wisconsin on behalf of Victoria Blackcoon v. Bryan D. Powless, CS 98-39 (HCN Tr. Ct., Mar. 14, 2000) Notice of Child Turning 18.

In the Interest of Pauline B. Mike v. Loylee Mike and J.T.M., CV 99-42 (HCN Tr. Ct., Mar. 14, 2000) Order (Show Cause).

In the Interest of the Minor Children M.C., D.O.B. 4/9/89, J.C., D.O.B. 8/26/93, D.C., D.O.B. 12/16/91, J.C., D.O.B. 6/6/96 by Myra Cunneen v. HCN Dept. Of Education, CV 99-83 (HCN Tr. Ct., Mar. 14, 2000) Order (Accepting continued on page 4

continued from page 3

Accounting).

In the Interest of Minor Child: B.B.B., D.O.B. 02/03/86 by Leanne Burnstad v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-12 (HCN Tr. Ct., Mar. 15, 2000) Order (Petition Granted).

Charlene Smolenski v. Jeffery Link, CV 97-07 (HCN Tr. Ct., Mar. 15, 2000) Notice of Child Turning 18.

John S. Cloud III v. HCN Enrollment Dept., CV 99-23 (HCN Tr. Ct., Mar. 17, 2000) Order (Requesting Report & Barring CTF Access).

In the Interest of Pauline B. Mike v. Loylee Mike and J.T.M., CV 99-42 (HCN Tr. Ct., Mar. 17, 2000) Order (Accepting Accounting and Closing Case).

In the Interest of Mercedes L. Blackcoon by Dale G. Hazzard v. Ho-Chunk Nation Office of Tribal Enrollment, CV 96-78 (HCN Tr. Ct., Mar. 21, 2000) Order (Petition Granted).

State of Wisconsin/Shawano Co. and Myra I. Harris v. Andrew G. Funmaker, CS 00-11 (HCN Tr. Ct., Mar. 21, 2000) Judgment (Enforcing Child Support).

In the Matter of the Minor Child: R.G.C., D.O.B., 7/27/92, JV 97-17 (HCN Tr. Ct., Mar. 21, 2000) Case Closure.

In the Matter of Melissa Decorah v. HCN Committee on Tribal Enrollment, CFV 99-14 (HCN Tr. Ct., Mar. 22, 2000) Order (Affirming Denial of Appeal).

HCN Dept. of Housing Community Housing Program Property Management Division v. Gloria Visintin, CV 98-62 (HCN Tr. Ct., Mar. 22, 2000) Order (Entending Withholding from Per Capita).

In the Matter of the Minor Children: S.M.J., D.O.B. 11/25/88, JV 98-20; *H.D.J., D.O.B. 11/25/88*, JV 98-21; *J.D.J., D.O.B. 12/18/86* JV 98-19 (HCN Tr. Ct., Mar. 22, 2000) Order (Permitting Withdrawal of Counsel).

HCN Dept. of Housing, Property Management Division v. Sarah Dobbs, CV 00-16 (HCN Tr. Ct., Mar. 23, 2000) Eviction Order (Resitution and Relief).

HCN Dept. of Housing, Property Management Division v. Sarah Dobbs, CV 00-16 (HCN Tr. Ct., Mar. 23, 2000) Writ of Restitution.

Denise Ryan v. Freeman Decorah, CS 00-05 (HCN Tr. Ct., Mar. 23, 2000) Order (Enforcing Child Support).

In the Interest of the Minor Children: C.B., D.O.B., 2/9/88, JV 98-11; *D.B., D.O.B., 9/13/89*, JV 98-12; *K.B., D.O.B., 7/16/92*, JV 98-13 (HCN Tr. Ct., Mar. 23, 2000) Supplemental Order.

State of Wisconsin v. Joseph L. White, CV 97-16 (HCN Tr. Ct., Mar. 24, 2000) Judgment (Modifying Enforcement of Child Support Against Per Capita).

Ho-Chunk Nation Dept. of Housing, Property Management Division v. Muriel Swan, CV 99-106 (HCN Tr. Ct., Mar. 24, 2000) Order (Motion for Default Judgment: Granting in Part and

Denying in Part).

State of Wisconsin/Columbia Co. and Susie B. Shesky v. Howard Ryan, CV 97-16 (HCN Tr. Ct., Mar. 24, 2000) Order (Granting Recognition of Foreign Judgment).

In re the Support of Maynard B. Funmaker, Jr. and Michael A. Funmaker, State of Wisconsin on Behalf of Sauk Co. Dept. of Human Services v. Jeanette Decorah, CS 00-10 (HCN Tr. Ct., Mar. 24, 2000) Order (Enforcing Child Support).

In the Interest of Minor Child: S.J.R., D.O.B. 03/31/99, JV 00-01 (HCN Tr. Ct., Mar. 24, 2000) Notice (Clarification of Order: Appointment of Temporary Guardian of the Person).

Cheryl Smith v. Ho-Chunk Nation, Rainbow Casino, CV 98-66 and CV 99-04 Consolidated (HCN Tr. Ct., Mar. 27, 2000) Order (Denying Motion for Reconsideration).

Jacquelyn D. Wells v. Wesley D. Brockhaus, CV 96-35 (HCN Tr. Ct., Mar. 28, 2000) Order (Continuing Child Support for May 1, 2000).

John E. Bakken v. Jeanette Dakota, CS 00-06 (HCN Tr. Ct., Mar. 27, 2000) Order (Enforcing Child Support).

Denise Ryan v. Freeman Decorah, CS 00-05 (HCN Tr. Ct., Mar. 28, 2000) Order (Enforcing Child Support).

Recent Filings

Ho-Chunk Nation Trial Court:
Jane Doe v. Ho-Chunk Nation, Ho-Chunk Nation Department of Justice

and Ho-Chunk Nation Compliance continued from page 4

Division, CV 00-23, filed Feb. 25, 2000.

In the Interest of A.BH., D.O.B. 07/17/89 by Mary K. Martinson, CV 00-22, filed Feb. 28, 2000.

State of Iowa v. Luther Dixon, Jr., CS 00-12, filed Mar. 1, 2000.

In the Interest of Adult Incompetent, Brandon Ray Gensler v. Ho-Chunk Nation Enrollment, CV 00-24, filed Mar. 6, 2000.

State of Wisconsin/Sauk Co. v. Janice Harrison, CS 00-14, filed Mar. 7, 2000.

In the Interest of V.D.C., D.J.C., M.S.B., E.S.B., W.W.B. by Debra K. Crowe, CV 00-25, filed Mar. 10, 2000.

In the Interest of Minor Child S.V.P., D.O.B. 11/06/96, JV 00-10, filed Mar. 10, 2000.

In the Interest of Gabriel Vega by Stephanie Vega, CV 00-26, filed Mar. 13, 2000.

Aubrey McCurley v. Keramy Funmaker, CV 00-27, filed Mar. 13, 2000.

Patrick O'leary v. Ho-Chunk Nation Casino, CV 00-28, filed Mar. 14, 2000.

Jennifer L. WhiteEagle v. Paul Funmaker Salloway, CS 00-14, filed Mar. 16, 2000.

Rachel M. Puzon v. Ken Whitehorse, Exec. Administrative Officer, Jacob Lonetree, President, CV 00-29, Mar. 22, 2000.

continued on page 5

Ho-Chunk Nation Housing Authority v. William Kemp, Sr. CV 00-30, filed Mar. 23, 2000.

State of Wisconsin v. Chris M. Thundercloud, CS 00-15, filed Mar. 23, 2000.

Ho-Chunk Nation Supreme Court
Ho-Chunk Nation v. Harry Steindorf and Jess Steindorf, SU 00-04, filed Mar. 9, 2000.

Daniel Youngthunder, Sr., v. Jonette Pettibone, Ann Winnesheik, Ona Garvin, Rainbow Management, SU 00-05, filed Mar. 10, 2000.

Brandon Bryan Thundercloud by and through his mother Janelle Fox v. Bryan Thundercloud, SU 00-06, filed Mar. 29, 2000

HCN Court Fees

Filing Fees. \$35

Service of Summons

- In Person. \$15 (or cost, if out of state)
- By Mail. \$4 (or cost, whichever is greater)
- By the Court. \$0.31 (per mile)

Copying. \$0.10/per page

Faxing \$0.25/per page (sending & receiving)

Tapes of Hearings. \$10 / tape

Deposition Videotape. . . . \$10 / tape

Certified Copies. \$0.50/ page

Equipment Rental. \$5.00/ hour

Register a Foreign Orders. \$15

Appellate filing fees. \$35

Admission to Practice. \$50

Pro Hac Vice Appearance. \$35

Legal Citation Form

Below are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, and Subsection.

HCN CONST., ART. XI, Sec. (or §) 7.

HCN CONST., ART. II, Sec. (or §) 1(a).

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.

PERSONNEL POLICIES AND PROCEDURES MANUAL, Ch. 12, Part B, p. 82.

CLAIMS AGAINST PER CAPITA, §6.01(b).

HCN Supreme Court Case Law

Case Name, Case No (HCN S. Ct., month, day, year).

Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).

Smith v. Casino, SU 94-11 Order
(HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr.
Ct., month, day, year).

Jane Doe v. Bob Smith, CV 99-01
(HCN Tr. Ct., Nov. 1, 1999)

In the Interest of Minor Child X,
JV 95-047 (HCN Tr. Ct., May 23,
1994).

Rules of Civil Procedure

HCN R.. Civ. P. 19(B).

Ho-Chunk Nation Court Bulletin

An informational bulletin published for the benefit of attorneys and tribal members.

Vol. 6, No. 5

May 2000

Ho-Chunk Legislature Passes Long-Arm Statute and Statute of Limitations

On April 11th, the Ho-Chunk Nation Legislature unanimously enacted two new laws directly effecting cases brought before the HCN Courts. First, the Legislature passed a Long-Arm Statute, addressing specific situations where the Nation's courts may assert their jurisdiction. Among the specific circumstances covered by the statute are, "Local Presence or Status;" "Local Act or Omission;" "Local Injury; Foreign Act;" "Local Services, Goods or Contracts;" "Local Property;" "Deficiency Judgment on Local Foreclosure or Resale;" "Insurance or Insurers;" "Personal Representative;" "Joinder of Claims in the Same Action." According to Legislative Counsel William Boulware, the Legislature took action because "it wanted to assert its sovereignty and make sure it could exercise control over events or entities outside its territory that have an effect on the Nation's ability to govern itself."

In addition to the Long-Arm Statute, the Legislature also promulgated new legislation addressing time limitations in various types of actions. The Legislature passed Statutes of

Limitations effecting actions related to contracts, employment, elections and torts. Mr. Boulware commented that this legislation was enacted because the Legislature felt that previous law defining time lines failed to provide sufficient legal certainty.



In addition to the Long-Arm Statute and the Statute of Limitations, the Legislature has also recently passed laws pertaining to perjury, utilization of sick leave, and Internet and Intranet Usage. Copies of all this legislation may be obtained by contacting legislative secretary Phyllis Smoke at 715-284-9343.

Department of Housing and Urban Development to Hold

Continued from page 1

If *Bulletin* readers are unable to attend the conference, presentation

Indian Housing Summit

On May 1-3, the Department of Housing and Urban Development (HUD) will hold its sixth annual Native American Housing Summit in Portland, Oregon. The conference is entitled *Building a Strong Foundation* and is aimed at increasing home ownership and affordable rental property in Indian country.

Conference organizers have focused presentations in six areas.

Of particular interest to *Bulletin Readers* might be the sections on *Homeownership and Housing Development*, and *Financial Management*.

The *Homeownership* presentations will address financing opportunities such as the Section 184 Indian Housing Loan Guarantee Program, One Stop Mortgage Centers or the Title VI loan Guarantee Program. The *Financial Management* seminars will highlight key federal requirements relating to cost reasonableness, effective internal controls and investments. Other topics covered will include: Construction, Program Administration, and Self Monitoring.

Continued on page 2

materials may be obtained by calling 703-902-1236.

Legislation	1
HUD	1
Court News	2
Legal Definition	2
Practice Tip	2
Recent Decisions	2
Recent Filings	5
Court Fees	5
Legal Citation Form	5

!!!Court News!!!

◆ The Ho-Chunk Nation Supreme Court provided notice on April 25, 2000 that the HCN Rules of Civil Procedure will be revised. The Supreme Court will be accepting public comments and suggestions for revisions until June 24, 2000. Comments should be submitted to: The Hon. Mary Jo B. Hunter, Chief Justice HCN Supreme Court. P.O. Box 70, Black River Falls, WI 54615.

◆ The Ho-Chunk Nation Supreme Court will hold its regular meeting on Sun. June 6, 2000 at 9:00 am. The meeting will take place at the Embassy Suites Hotel, 7901 34th Ave. S. Bloomington, MN.

Legal Definition

from *Black's Law Dictionary, 7th ed.*



Long Arm Statute:

A statute providing for jurisdiction over a nonresident defendant who has had contacts with the territory where the statute is in effect. Most state long-arm statutes extend this jurisdiction to is constitutional limits.

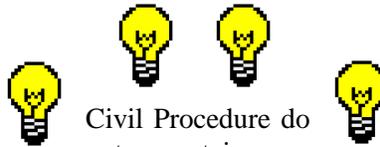
Statute of Limitations: A statute establishing a time limit for suing in a civil case, based on the date when the claim accrued (as when the injury occurred or was

officer (who was also a tribal

discovered). The prosecution of known claims, thereby providing finality and predictability in legal affairs and ensuring that claims will be resolved while evidence is reasonably available and fresh.

Practice Tips

Practitioners should note that the Ho-Chunk Nation Rules of



analogue to Federal Rule of Civil Procedure 15(a), which allows litigants to amend pleadings once as a matter of course.

Litigants in the Ho-Chunk Nation Courts who wish to amend their pleadings must file a *Motion to Amend* in conformity with HCN Rules of Civil Procedure 19 and 20. In conjunction with the *Motion to Amend*, litigants must also file the proposed Amendments, and a *Proposed Order* granting the *Motion to Amend*.

Once the *Motion to Amend* and proposed amendments have been filed, the opposing party will have ten days to respond or request a hearing. If the Court does grant the *Motion to Amend*, the opposing party will then have twenty days to file an amended responsive pleading.

Recent Decisions

Federal Courts of Appeals

Continued from page 2

member) sued the Band under

Thomas v. United States, 189 F.3d 662 (7th Cir. 1999). In a suit brought by supporters of amendments to a tribe's constitution, the Seventh Circuit ruled that the Indian Reorganization Act and The Administrative Procedure Act do allow federal officials to void the results of a tribal election in which constitutional amendments had been approved. The Court found that the tribal governing body was not a necessary party to the suit in that the lawsuit was based on how "federal officials administered an election for which they were both substantively and procedurally responsible." The Court further found that Congress "refused to reflect the tribal interest in the legal structure of tribal constitutional elections."

United States v. Eagleboy, 1999 WL 1292942 (8th Cir. 1999). The Eighth Circuit held that Federal policy allowing members of federally-recognized Indian tribes to possess bird parts otherwise prohibited by the *Migratory Bird Treaty Act* does not constitute prosecution based on race. The Court agreed with the government that the policy was adopted in order to fulfill the government's trust obligations to tribe, and not motivated by a racially invidious purpose. The Court also held that the policy does not have a racially invidious effect.

Davis v. Mille Lacs Band, 193 F.3d 990 (8th Cir. 1999). A tribal police

Continued on page 3

federal and state employment laws.

The court found that any waiver of sovereign immunity by the Band did not eliminate the tribal exhaustion requirement, and that therefore, the plaintiff had failed to exhaust.

Owens Valley Indian Housing Authority v. Turner, 185 F.3d 1029 (9th Cir. 1999). The Ninth Circuit found that the federal court lacked subject matter jurisdiction over an unlawful detainer suit brought by a tribal housing authority because the case did not arise under federal law. The Court said that the lack of tribal or state court jurisdiction was irrelevant.

State of Montana v. King, 191 F.3d 1108 (9th Cir. 1999), The State of Montana sought a declaration that it was not required to comply the Tribal Employment Rights Ordinance (TERO) of the Fort Belknap Indian Community when repairing a state highway crossing the reservation. The Court held that the Tribe did not have jurisdiction to enforce its Ordinance and that the state was not required to exhaust tribal court remedies.

HRI, Inc. v. Environmental Protection Agency, 2000 WL 144443 (10th Cir. 2000). A private mining company and the New Mexico Environment Department challenged actions of the Environmental Protection Agency (EPA) relating to certain New Mexico lands. The Tenth Circuit held that the EPA could find a legitimate dispute as to whether certain lands constituted Indian country under 25 U.S.C. § 1151, despite the fact that previous state court rulings had held that the land was not Indian country. The

court further held that this ruling meant that the EPA could assert jurisdiction over such lands pursuant to the federal government's trust obligation.

State of Nevada v. Hicks 196 F.d. 1020 (9th Cir. 1999). The State of Nevada sued in the Paiute-Shoshone Tribal Court seeking a declaratory judgment that the tribal court lacked jurisdiction over a tribal member's civil rights and tort claims against state officials arising from seizure of sheep-head trophies on allotted reservation land.

The Tribal Court ruled that it had jurisdiction and the Court of Appeals upheld the Tribal Court ruling. The Court of Appeals further found that state officials failed to exhaust their remedies based on sovereign and qualified immunity. The Court distinguished the *Strate* decision based on the fact that the action in question occurred on a trust allotment rather than fee simple land or a state right-of-way.

Ho-Chunk Nation Trial Court:

In the Interest of Minor Child (ren) P.L.H., D.O.B. 10/24/84, E.J.H., D.O.B. 08/28/85, JV 00-02, JV 00-03 (HCN Tr. Ct., Mar. 31, 2000). Final Order (Trial).

In the Interest of Minor Child A.N., D.O.B. 06/19/82 by Lucinda Naquayouma v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-20 (HCN Tr. Ct., Apr. 3, 2000). Order (Petition Granted in Part and Denied in Part).

Michelle Raye Haukaas v. Calvin Lee Nakai, CS 99-66 (HCN Tr. Ct.,

Apr. 3, 2000) Erratum.

State of Wisconsin/Jackson County v. Morgan Decorah CV 97-68; *State of Wisconsin/Jackson County v. Morgan Decorah* CS 98-78; *State of Wisconsin/Shawano County v. Morgan Decorah*, CS 99-77 (HCN Tr. Ct., Apr. 3, 2000 Order (Enforcing Child Support).

In the Interest of Minor Children: D.H.F., D.O.B. 09/26/96, A.V.F., D.O.B. 03/26/98, JV 99-07, JV 99-08 (HCN Tr. Ct., Apr. 3, 2000). Order (Ceasing Withholding).

Ho-Chunk Nation Department of Housing, Property Management Division v. Nicole L. Ward, CV 00-09 (HCN Tr. Ct., Apr. 4, 2000) Order (Motion for Default Judgment: Granting in Part and Denying in Part).

Ho-Chunk Nation Department of Housing, Property Management Division, v. Anna M. Reichenbach and Dale Reichenbach, CV 99-97 (HCN Tr. Ct., Apr. 4, 2000) Order (Motion for Default Judgment: Granting in Part and Denying in Part).

Ho-Chunk Nation Department of Housing, Property Management Division v. Marlene Cloud, Orin Cloud and Sheridan Cloud, CV 99-99 (HCN Tr. Ct., Apr. 4, 2000) Order (Motion Hearing).

Ho-Chunk Housing Authority v. Junetta H. Beighley, CV 00-13 (HCN Tr. Ct., Apr. 4, 2000) Eviction Order (Restitution and Relief).

Continued on page 4

Continued from page 3

Ho-Chunk Housing Authority v. Junetta H. Beighley, CV 00-13 (HCN Tr. Ct., Apr. 4, 2000) Writ of Restitution.

Ho-Chunk Nation Dept. of Housing, Property Management Division v. Nicole L. Ward, CV 00-09 (HCN Tr. Ct., Apr. 4, 2000) Order (Motion for Default Judgment: Granting in Part and Denying in Part).

Melinda A. Lee v. Majestic Pines Casino Marketing Department, CV 99-91 (HCN Tr. Ct., Apr. 5, 2000) Order (Denial of Motion).

Levi Aaron Lincoln, Sr. v. Louise Marlene Lincoln, CV 97-32 (HCN Tr. Ct., Apr. 11, 2000) Order (Cessation of Withholding).

State of Wisconsin and Steven Good v. Melinda Blackcoon, CS 98-35 and JV 99-14 (HCN Tr. Ct., Apr. 12, 2000) Order (Modifying Child Support Collection).

In the Interest of Minor Children: A.B., D.O.B. 06/28/87 JV 00-07, *J.B., D.O.B., 09/01/88* JV 00-08, *R.B. D.O.B. 04/23/91* JV 00-09 (HCN Tr. Ct., Apr. 13, 2000) Order (Impounding Per Capita).

In the Interest of Minor Child: D.M.S.T., D.O.B., 07/01/83 by *Roxanne Tallmadge-Johnson v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-14 (HCN Tr. Ct. Apr. 13, 2000) Order (Petition Granted).

Patricia K. Mikesell v. Majestic Pines Casino, CV 99-64 (HCN Tr. Ct., Apr. 14, 2000) Order (Voluntary Dismissal with Prejudice).

Patricia K. Mikesell v. Majestic Pines Casino, CV 99-64 (HCN Tr. Ct., Apr. 14, 2000) Notice.

Stewart Miller v. DeJope Bingo and Ho-Chunk Nation, CV 99-90 (HCN Tr. Ct., Apr. 17, 2000) Order (Voluntary Dismissal with Prejudice).

State of Iowa, ex rel Alexis Triana Lee Dixon, D.O.B. 10/12/91 By *Carla Raijean Lee Cornish, Mother/Next Friend v. Luther Aaron Dixon II*, CS 99-11 (HCN Tr. Ct., Apr. 18, 2000) Judgement (Modifying Child Support); *State of Iowa, ex rel On behalf of Meshia Smith, D.O.B.: 11/17/97 v. Luther Aaron Dixon II*, CS 99-12 (HCN Tr. Ct., Apr. 18, 2000) Judgement (Modifying Child Support); *State of Iowa, ex rel Parker Andersen, D.O.B.: 07/23/88 v. Luther Aaron Dixon II*, CS 00-12 (HCN Tr. Ct., Apr. 18, 2000) Judgement (Enforcing Child Support).

Ho-Chunk Nation Department of Housing Property Management Division v. Betty Jo White, CV 00-15 (HCN Tr. Ct., Apr. 18, 2000) Order (Voluntary Dismissal with Prejudice).

Jennifer L. WhiteEagle v. Paul Funmaker Sallaway, CS 00-14 (HCN Tr. Ct., Apr. 18, 2000). Order (Enforcing Child Support).

Ho-Chunk Nation Department of Housing, Home Ownership Program v. Mick Boardman d/b/a T & Son's General Contractors CV 99-107 (HCN Tr. Ct., Apr. 18, 2000) Order (Granting Extension of Time).

In the Interest of the Minor Child: G.V., D.O.B. 09/07/87 by

Stephanie Vega v. HCN Office of Tribal Enrollment, CV 00-26 (HCN Tr. Ct., Apr. 19, 2000) Order (Granting CTF Funds for Orthodontics).

In the Interest of Brandon R. Gensler by Murrie Gensler v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-24 (HCN Tr. Ct., Apr. 20, 2000) Order (Petition Granted).

HCN Dept. of Housing, Property Management Division v. Sarah White Eagle, CV 00-19 (HCN Tr. Ct., Apr. 20, 2000) Default Judgment.

HCN Dept. of Housing, Property Management Division v. Marlene and Orin Cloud, CV 99-99 (HCN Tr. Ct., Apr. 25, 2000) Writ of Restitution.

Christopher A. Marceau v. Leanne J. Smith, CS 00-09 (HCN Tr. Ct., Apr. 25, 2000) Order (Enforcing Child Support).

In the Interest of; Audrey Deer Adam, D.O.B., 11/16/81 v. HCN Office of Tribal Enrollment, CV 00-27 (HCN Tr. Ct., Apr. 25, 2000) Order (Granting Telephonic Appearance).

HCN Dept. of Housing, Property Management Division, v. Sarah White Eagle, CV 00-19 (HCN Tr. Ct., Apr. 25, 2000) Writ of Restitution.

Ho-Chunk Nation Department of Housing, Property Management Division v. Nicole L. Ward, CV 00-09 (HCN Tr. Ct., Apr. 25, 2000).

Shelly Thundercloud v. Christopher

Continued on page 5
Cloud, CS 99-10 (HCN Tr. Ct.,
Apr. 25, 2000) Erratum.

*Patick O’Leary v. Ho-Chunk
Nation Casino (Slots Floor
Department)*, CV 00-28 (HCN Tr.
Ct., Apr. 25, 2000) Order (Motion
Hearing)

*Ho-Chunk Nation Department of
Housing Property Management
Division v. Anna M. Reichenbach*,
CV 99-97 (HCN Tr. Ct. Apr. 26,
2000. Order (Approving
Settlement Agreement.

Recent Filings

Ho-Chunk Nation Trial Court:

*State of Wisconsin v. Chris M.
Thundercloud*, CS 00-15, filed
Mar. 29, 2000.

*In re the Interest of Zachary
Falcon by Wayne Falcon*, CV
00-31, filed Apr. 6, 2000.

*Rickie J. Roennenburg v.
Ho-Chunk Casino/Table Games*,
CV 00-32, filed Apr. 7, 2000.

*Michael Price v. Ho-Chunk
Casino/Table Games*, CV 00-32,
filed Apr. 10, 2000.

*In the Interest of Shane D.
Steindorf by Michelle R. DeCora*,
CV 00-35, filed Apr. 12, 2000.

*Linda R. DeLay v. Keith M.
Decorah*, CS 00-16, filed Apr. 12,
2000.

Wendy R. Gofton v. Tony R. Evans,
CS 00-17, filed Apr. 12, 2000.

Continued from page 4
*In the Interest of Jason Orozco by
Jason Orozco*, CV 00-36, filed
Apr. 18, 2000.

*Gerald Conley v. Chris Cloud,
Betty Cloud, and Diane Cloud
Peterson*, CV 00-37, filed Apr. 18,
2000.

*State of Wisconsin/Columbia
County v. Mari L. Hence*, CS
00-18, filed Apr. 19, 2000.

*Margaret G. Garvin v. Ho-Chunk
Nation and Donald Greengrass
and Evans Littlegeorge*, CV 00-38,
filed Apr. 21, 2000.

*State of Wisconsin v. Lohman E.
Cloud*, CS 00-19, filed Apr. 25,
2000.

Ho-Chunk Nation Supreme Court:

*Brandon Bryan Thundercloud by
and through the mother Janelle
Fox v. Bryan Thundercloud*, SU
00-06, filed Mar. 29, 2000.

*Ho-Chunk Nation and Rainbow
Casino v. Cheryl Smith*, SU 00-07,
filed Apr. 26, 2000.

HCN Court Fees

Filing Fees. \$35
Service of Summons
• In Person. \$15 (or cost, if out of state)
• By Mail. \$4 (or cost, whichever is greater)
• By the Court. \$0.31 (per mile)
Copying. \$0.10/per page
Faxing \$0.25/per page
(sending & receiving)

Tapes of Hearings. \$10 / tape
Deposition Videotape. . . . \$10 / tape
Certified Copies. \$0.50/ page
Equipment Rental. \$5.00/ hour
Register a Foreign Orders. \$15
Appellate filing fees. \$35
Admission to Practice. \$50
Pro Hac Vice Appearance. \$35

Legal Citation Form

Below are example citation forms
by legal reference and citation
description.

Ho-Chunk Nation Constitution

Constitution, Article Number,
Section, and Subsection.

HCN CONST., ART. XI, Sec. (or §)
7.

HCN CONST., ART. II, Sec. (or §)
1(a).

HCN Ordinances

Ordinance Name, Chapter number,
Section/Part/Clause, page.

PERSONNEL POLICIES AND
PROCEDURES MANUAL, Ch. 12,
Part
B, p. 82.

CLAIMS AGAINST PER CAPITA,
§6.01(b).

HCN Supreme Court Case Law

Case Name, Case No (HCN S. Ct.,
month, day, year).

Johnson v. Department Inc., SU
89-

04 (HCN S. Ct., Aug. 14, 1995).
Smith v. Casino, SU 94-11 *Order*
(HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr.
Ct., month, day, year).

Jane Doe v. Bob Smith, CV 99-01
(HCN Tr. Ct., Nov. 1, 1999)

In the Interest of Minor Child X,
JV 95-047 (HCN Tr. Ct., May 23,
1994).

Rules of Civil Procedure

HCN R.. Civ. P. 19(B).

Ho-Chunk Nation Court Bulletin

An informational bulletin published for the benefit of attorneys and tribal members.

Vol. 6, No. 6

June 2000

Changes Afoot in the Federal Recognition Process

After years of discussion and debate, it appears as though the Federal Recognition Process may undergo some revisions. Assistant Secretary for Indian Affairs, Kevin Gover, recently instituted changes to the current recognition procedures, and Sen. Ben Nighthorse Campbell (D) Colorado has introduced a bill which would fundamentally alter the structure of the recognition process.

Since 1978, the bulk of the acknowledgment process has been handled by the Branch of Acknowledgment and Research (BAR). The BAR researches and evaluates petitions for the Assistant Secretary for Indian Affairs, who then makes recommendations to the final arbiter, the Secretary of Interior.

In the past several years, the recognition process has come under fire from a number of sources who have complained about the backlog of petitions, litigation connected to the cases, staff and resource limits, and the ever expanding number of groups seeking recognition. Since 1978, the BIA has granted recognition on 14 petitions, and denied recognition on 13 petitions.

Currently 16 groups are awaiting recognition decisions by the BIA; 11 groups who have completed their petitions are on a waiting list to begin "active consideration" (six of these groups have been waiting since 1996).

In response to the problems and complaints, Assistant Secretary for



Indian Affairs, Kevin Gover, has recently ordered changes designed to speed up and increase the efficiency of the recognition process. The revisions place increased responsibility on

Continued on page 3, column 1

**Ho-Chunk
Legislature
Amends Religious
HCN Dept. of
Justice Attorney**

and Cultural Leave Policy

On April 4, 2000, the Ho-Chunk Legislature rescinded *Ho-Chunk Nation Policies and Procedures Resolution 6-16-98D*, addressing Religious Leave, and replaced it with new legislation entitled Waksik Wosga Leave Policy. Under §1 of the new legislation, "[t]he Waksik Wosga Leave Policy shall provide a means in which enrolled tribal member employees can practice religion, culture and tradition, when obligated to, without the threat of losing a job or losing pay. This policy is only to be used for those families, clans, and individuals who are required by tradition to perform for another clan during employment hours."

This legislation represents two major changes from the previous Religious Leave Policy. First, employees are no longer required to provide their supervisors with ten days advance notice that they intend to take leave for religious or cultural purposes. The previous ten day *Continued on page 2, column 1*

**Sheila Corbine
Named as Judge**

Recognition Process	1
Religious Leave	1
Corbine	2
Court News	2
Practice Tips	2
Recent Decisions	3
Recent Filings	4
Court Fees	5
Legal Citation Form	5

for Lac Courte Oreilles

On April 24, 2000, Attorney Sheila Corbine began an appointment as part-time Judge for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. Ms. Corbine will continue to work full-time for the Ho-Chunk Nation Department of Justice, and will fulfill her judicial duties on weekends and personal time. According to Ms. Corbine, her case load will consist mainly of family law, small claims, and conservation matters. The Courts wish Judge Corbine great success in her new venture.

Religious Leave

Continued from page 1

notice requirement proved impossible to implement as many Ho-Chunk religious and cultural events take place on less than 48 hours notice. The new legislation provides that employees need only notify their supervisor in writing on the first day that the religious or cultural leave is taken. The second major change instituted by the new legislation is that leave granted under the policy will be paid. Previously, employees received no compensation for religious leave. As always, copies of the new law may be obtained from the Ho-Chunk Nation Legislature, 715-284-9343 or 800-294-9343.

!!!Court News!!!

◆ The Ho-Chunk Nation Supreme Court provided notice on April 25, 2000 that the *HCN Rules of Civil Procedure* will be revised. The Supreme Court will be

accepting public comments and suggestions for revisions until June 24, 2000. Comments should be submitted to: The Hon. Mary Jo B. Hunter, Chief Justice HCN Supreme Court. P.O. Box 70, Black River Falls, WI 54615.

◆ The Ho-Chunk Nation Supreme Court will hold its regular meeting on Sun. June 6, 2000 at 9:00 am. The meeting will take place at the Embassy Suites Hotel, 7901 34th Ave. S. Bloomington, MN.

◆ A Reminder : Ho-Chunk Nation Bar Dues must be remitted by June 30, 2000. The annual fee of \$50.00 may be sent to P.O. Box 70, Black River Falls, WI 54615.

◆ The Ho-Chunk Nation Courts are happy to announce that Kathy Krueger has accepted an offer to act as Staff Attorney/Law Clerk for the 2000/01 fiscal year. Ms. Krueger has recently graduated from the University of Wisconsin Law School where her studies focused on family and Indian law. Kathy was also an active participant in a program providing legal assistance for prisoners. If Ms. Krueger's name seems familiar to *Bulletin* readers, it may be because Ms. Krueger worked as a summer intern with the Courts in 1999. Ms. Krueger's term will begin July 1, 2000.

◆ In a related vein, Jason Mathes, will begin work as the Court's summer intern on June 1, 2000. Mr. Mathes is a graduate of Millikin University in Decatur,

IL, and recently finished his first year at the University of Wisconsin Law School.

◆ A good news bad news situation . . . the bad news first. The Court's are sad to announce the loss of outstanding *Guardian ad Litem* Loa Porter. The good news, however, is that we are losing Ms. Porter because she was recently accepted to the Pre-Law Summer Institute in Albuquerque, New Mexico (a preparatory program for American Indian law students), and Hamline University School of Law in St. Paul, MN. The Court's wish Ms. Porter the best of luck in the great adventure that lies before her.



Practice Tips

Although the Ho-Chunk Nation Courthouse contains an ever expanding library, and www.ho-chunk.com contains a large number of salient decisions from the Ho-Chunk Nation Courts, as well as selected Ho-Chunk Legislation, these two locations cannot begin to cover any attorney's research needs.

Although most *Bulletin* readers are aware of Westlaw and Lexis, these

Continued from page 2

databases are often prohibitively expensive. As an alternative, the world wide web contains a plethora of free legal resources. What follows is a listing of some of the most helpful free legal research websights: www.findlaw.com (federal and state case law and legislation, as well as topical coverage); www.knowhow.com (comprehensive links through "Legal Research on the Internet--Leigh Webber's updated bookmarks"); www.wisbar.org (Wisconsin case law, statues, court rules, and attorney directory); www.lib.lsu.edu/gov/fedgov.html (links to all Federal Agencies); www.priweb.com/internetlawlib/1.htm (case law and codes from various jurisdictions and practice areas).

Recognition

Continued from page 1

petitioners to research their case, a burden previously borne by the BAR. BAR chief, R. Lee Fleming emphasized that the BAR will continue to provide technical assistance to petitioners, but will no longer conduct research to fill in gaps or address shortcomings in the petitioner's documentation. An additional change to the recognition process is that federal review and submission of new materials will no longer be possible once the petition enters "active consideration." Finally, departmental review of the BAR recommendations can now take no longer than six weeks. This process previously took up to one year.

On a second front of the

Continued on page 3

recognition process, Sen. Ben Nighthorse Campbell recently introduced Senate Bill 611, which would remove the review and recommendation process from the BAR and place it with an independent commission. Additionally, according to Sen. Campbell's Press Secretary, Chris Chagery, the bill would institute "strict realistic deadlines throughout the submission and review process." Assistant Secretary Gover supports Sen. Campbell's legislation because it "establishes the criteria and standards for the acknowledgment through legislation, rather than regulation, and the administration supports this change as a means of giving clear congressional direction as to what the criteria for acknowledgment should be." Despite this support, Gover said he objects to any language that would strip the department of Interior's final authority over the granting of recognition. It should be noted that Sen. Campbell has attempted without success to get similar legislation passed in previous years.--Future issues of the *Bulletin* will keep you up to date on the progress of Sen. 611.

Recent Decisions

Ho-Chunk Nation Trial Court:

Ho-Chunk Nation Department of Housing, Property Management Division v. Nicole L. Ward, CV 00-09 (HCN Tr. Ct., Apr. 25, 2000) Order (Approving Settlement Agreement).

Patrick O'Leary v. Ho-Chunk

Casino (Slots Floor Department), CV 00-28 (HCN Tr. Ct., Apr. 25, 2000) Order (Motion Hearing).

HCN Dept. of Housing, Property Management Division v. Muriel R. Swan, CV 99-106 (HCN Tr. Ct., Apr. 27, 2000) Order (Granting Additional Damages).

In the Matter of the Minor Children: S.M., DOB 11/18/92, JV 00-04; *K.M., DOB 10/19/93*, JV 00-05; *S.M., DOB 12/13/95*, JV 00-06 (HCN Tr. Ct., Apr. 28, 2000) Order (Granting Extension).

In the Matter of the Minor Children: S.M., DOB 11/18/92, JV 00-04; *K.M., DOB 10/19/93*, JV 00-05; *S.M., DOB 12/13/95*, JV 00-06 (HCN Tr. Ct., May 2, 2000) Order for Extension of Dispositional Order.

Deena M. Basina v. William P. Smith, CS 98-53 (HCN Tr. Ct., May 05, 2000) Judgement (Enforcing Child Support).

In the Interest of Minor Child(ren): A.B., DOB 06/28/87, JV 00-07; *J.B., DOB 09/01/88*, JV 00-08; *R.B., DOB 04/23/91*, JV 00-09 (HCN Tr. Ct., May 9, 2000) Order (Dispositional Requirements).

Monica Jo Petoskey v. Robert L. Funmaker, CS 99-76 (HCN Tr. Ct., May 10, 2000) Order (Postponing Hearing).

State of Wisconsin on the behalf of Shelly E. Thundercloud v. William J. Greendeer, CV 97-67 (HCN Tr. Ct., May 10, 2000) Order (Suspending Collection of Child Support).

In the Interest of Kathy Continued from page 3
(Releasing ITF Monies in part).

In the Interest of Minor Child(ren):A.B., DOB 06/28/87, JV 00-07; J.B., DOB 09/01/88, JV 00-08; R.B., DOB 04/23/91, JV 00-09 (HCN Tr. Ct., May 12, 2000) Order (Establishment of Child Support).

In the Interest of Audrey Deer Adam, DOB 11/16/81 v. HCN Office of Tribal Enrollment, CV 00-27 (HCN Tr. Ct., May 15, 2000) Order (Requiring Documentation).

In the Interest of Minor Child: C.J.W., DOB 1/3/84 by Anne Johnson v. Ho-Chunk Nation Office of Tribal Enrollment, CV 99-68 (HCN Tr. Ct., May 18, 2000) Order (Demand for Accounting)

Jennifer L. WhiteEagle v. Paul F. Sallaway, CS 00-14 Order (Enforcing Child Support); *Bonita Roy* v. Paul F. Sallaway, CV 96-51 Order (Enforcement Suspended); *Kerry Thompson* v. Paul F. Sallaway, CS 98-08 Order Continuing Child Support) (HCN Tr. Ct., May 18, 2000).

Margaret Garvin v. Donald Greengrass, CV 00-10 (HCN Tr. Ct., May 22, 2000) Order (Granting Extension of Time).

In the Interest of Minor Child: V.D.C., DOB 10/03/84, D.J.C., DOB 09/02/86, M.J.B., DOB 09/01/88, E.S.B., DOB 06/21/91, W.W.B., DOB 09/20/94 by Debra Crowe v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-25

Brandenburg (Miller) v. HCN Office of Tribal Enrollment, CV (HCN Tr. Ct., May 22, 2000). Order (Petition Denied).

In the Interest of Minor Child: Z.A.M., DOB 01/22/84 by Celena Mitchell v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-18 (HCN Tr. Ct., May 22, 2000). Order (Petition Denied).

Linda R. Delay v. Keith M. Decorah, CS 00-16 (HCN Tr. Ct., May 23, 2000) Order (Enforcing Child Support).

Margaret G. Garvin v. Ho-Chunk Nation, and Donald Greengrass, in his official and individual capacity, and Evans Littlegeorge in his individual capacity, CV 00-38 (HCN Tr. Ct, May 23, 2000) Order (Granting Motion for a More Definite Statement).

Aubrey McCauley v. Keramy Funmaker, CS 00-20 (HCN Tr. Ct., May 23, 2000) Order (Enforcing Child Support).

State of Wisconsin, Jackson County, on Behalf of Annie Winneshiek v. Gregory Harrison, CV 97-158 (HCN Tr. Ct., May 24, 2000) Request for Accounting.

Ho-Chunk Nation Housing Authority v. Keith Dick, CV 99-105 (HCN Tr. Ct., May 24, 2000) Order (Assessment of Damages).

Ho-Chunk Housing Authority v. Lisa Banuelas, CV 00-01 (HCN Tr. Ct., May 24, 2000) Order (Assessment of Damages).

Ho-Chunk Housing Authority v. Theodore Yellowcloud, CV 99-94 (HCN Tr. Ct., May 24, 2000)

98-18 (HCN Tr. Ct., May 10, 2000) Order Continued on page 4 Order (Assessment of Damages).

Jason Orozco v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-36 (HCN Tr. Ct., May 24, 2000) Order (Dismissal with Prejudice).

In the Interest of Minor Child M.S.A.P., DOB 09/28/90 by Sharon A. Pierce v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-34 (HCN Tr. Ct., May 24, 2000). Order (Dismissal with Prejudice).

Ho-Chunk Nation Housing Authority v. Karen Lipski, CV 99-38 (HCN Tr. Ct., May 24, 2000) Stipulation and Order.

HCN Housing Authority v. Autumn White, CV 99-104 (HCN Tr. Ct., May 24, 2000) Judgement.

In the Interest of Minor Child: N.S.F.L., DOB 06/25/83 by N.S.F.L., JV 99-26 (HCN Tr. Ct., May 24, 2000) Order (Dismissal with Prejudice).

HCN Housing Authority v. Dan and Beverly Crowe, CV 99-95 (HCN Tr. Ct., May 24, 2000) Judgement.

Ho-Chunk Nation Dept. of Housing, Property Management Division v. Dawn M. Smith Deverney, CV 00-03, (HCN Tr. Ct., May 24, 2000) Order on Plaintiff's Motion to Default Judgment.

Denise J. Kearnes v. Victor E. Kearnes, Sr., CS 98-11 (HCN Tr. Ct., May 24, 2000) Notice of Child Turning 18.

Roger Littlegeorge v. Jacob Lonetree as President of the Ho-Chunk Nation, CV 95-20 (Continued on page 5 Instruments).

Lynda Broschardt v. HCN Rainbow Bingo and Darren Brinegar-General Manager in both his official and individual capacities, CS 99-109 (HCN Tr. Ct., May 26, 2000) Order (Granting permission to File Second Amended Complaint).

Melanie Stacy v. Harrison J. Funmaker, CV 96-48 (HCN Tr. Ct., May 25, 2000) Order (Modifying Child Support).

Recent Filings

Ho-Chunk Nation Trial Court:

Faith Taken Alive v. Brady Eagleman, CS 00-21, filed April 25, 2000.

Aubrey McCauley v. Keramy Funmaker, CS 00-20, filed May 2, 2000.

Carrie A. Kessenich v. Carlos D. Smith, CS 00-22, filed May 5, 2000.

Roy J. Rhode v. Ona M. Garvin and William Johnson, CV 00-39, filed May 5, 2000.

State of Wisconsin v. Stuart Taylor Jr., CS 00-23, filed May 8, 2000.

In the Interest of Kala A. Orozco by Robert Orozco, CV 00-40, filed May 9, 2000.

(HCN Tr. Ct., May 24, 2000) Notice of Conformity (Proposed Amendments to the Per Capita Distribution *In the Interest of D.J.H.*, DOB: 09/09/98, JV 00-11, filed May 9, 2000.

In the Interest of E.T.H., D.O.B.: JV 00-12, filed May 9, 2000.

John Goodbear v. Ho-Chunk Nation, CV 00-41, filed May 12, 2000.

In the Interest of G.E.G., DOB: 9/18/98, JV 00-14, filed May 15, 2000.

Debra Linehan v. Majestic Pines Hotel and Casino, CV 00-42, filed May 15, 2000.

In the Interest of T.L.B., DOB: 9/20/84, JV 00-15, filed May 17, 2000.

In the Interest of N.J.O., DOB: 2/19/84, JV 00-16, May 22, 2000.

State of Wisconsin and Wendy Littlegeorge v. Stuart Lonetree, CS 00-24, filed May 22, 2000.

Michael O'Brien v. Marlin Snake, CV 00-43, filed May 23, 2000.

Ho-Chunk Nation Supreme Court:

Deena M. Basina v. William P. Smith, SU 00-08, filed May 24, 2000.

HCN Court Fees

Filing Fees. \$35
Service of Summons
• In Person. \$15 (or cost, if out of state)

Ordinance and Accompanying Trust
Continued on page 5

• By Mail. \$4 (or cost, whichever is greater)
• By the Court. \$0.31 (per mile)
Copying. \$0.10/per page
Faxing. \$0.25/per page (sending & receiving)
Tapes of Hearings. \$10 / tape
Deposition Videotape. . . . \$10 / tape
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Admission to Practice. \$50
Pro Hac Vice Appearance. \$35

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Constitution, Article Number, Section, and Subsection.
HCN CONST., ART. XI, Sec. (or §) 7.
HCN CONST., ART. II, Sec. (or §) 1(a).

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND

PROCEDURES MANUAL, Ch. 12,
Part
B, p. 82.
CLAIMS AGAINST PER CAPITA,
§6.01(b).

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89-

04 (HCN S. Ct., Aug. 14, 1995).

Smith v. Casino, SU 94-11 *Order*
(HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr.
Ct., month, day, year).

Jane Doe v. Bob Smith, CV 99-01
(HCN Tr. Ct., Nov. 1, 1999)

In the Interest of Minor Child X,
JV 95-047 (HCN Tr. Ct., May 23,
1994).

Rules of Civil Procedure

HCN R.. Civ. P. 19(B).

Ho-Chunk Nation Court Bulletin

An informational bulletin published for the benefit of attorneys and tribal members.

Vol. 6, No. 7

July 2000

Ho-Chunk Legislature Ponders Redistricting Options

PRESS RELEASE

By: HCN Legislature;

Administrative Sub-Committee
Re: Ho-Chunk Redistricting
and Reapportionment

The HCN Legislative
Administrative Sub-Committee
has been charged with
addressing and recommending
action on the constitutionally

required redistricting.
Redistricting and
Reapportionment will determine
how officials are elected. The
HCN Constitution, Article V,
§4 empowers the Legislature to
change, establish or discontinue
a district. If the redistricting
affects the number of
representatives, a BIA
Secretarial Election is required.
The Ho-Chunk Constitution
requires that the Legislature,
upon approval of a re-districting
plan, submit a final proposal to
a vote of the "People by Special
Election which shall be binding
and which shall not be
reversible by the General
Council."

The Nation has a
constitutional requirement of
"one person/one vote"
representation. In keeping with
that spirit, the Legislature has
compiled the historical
materials assembled from 1995
and 1999. These reports
proposed specific changes in
the election of Legislative
Officers. They will be
considered by the

Administrative Sub-Committee
in its report to the full
Legislature.

At its regularly
scheduled monthly meetings,
second Wednesday of each
month, the

Continued on page 2, column 1

Minnesota Elections Bring Changes

Recent elections brought
changes in leadership to many
Indian Communities in
Minnesota. In the most closely
watched of the races, Marge
Anderson, incumbent leader of
the Mille Lacs Band of Ojibwe
Indians, was defeated by
Melanie Benjamin, who won
62% of the vote.

This race has received
national attention, as many
people saw it as a referendum
on how to spend profits from
successful gaming enterprises.
Anderson oversaw the huge
growth in the Bands casino
profits, but reinvested most of

CONTENTS

Redistricting	1
Minnesota Elections	1
Court News	2
Practice Tips	3
Recent Decisions	3
Recent Filings	4
Court Fees	5
Legal Citation Form	5

the money in tribal economic and social programs. Band members received approximately \$1,500 annually, a small amount compared with

Minnesota Elections

Continued from page 1

guarantees that this would result in higher payments to tribal members. Benjamin said she will likely put the decision before tribal members in the form of a referendum.

In other Minnesota Tribal elections, Rev. Doyle Turner is the new chairperson of the White Earth Band after ousting incumbent John Buckanaga; Fond du Lac chairman Robert "Sonny" Peacock beat Kevin Dupuis Sr; Grand Portage Chairman Norman Deschampe beat challenger June Evans; challenger Gary Donald beat Bois Forte Chairperson Doris Isham; and Leech Lake Chairperson Eli Hunt defeated Lenee Ross .

Redistricting

Continued from page 1

Administrative Sub-Committee must consider two primary issues

Determining the need for a Secretarial Election, the Administrative Sub-Committee must make a recommendation of whether to change the number of elected officials. If the Committee elects to change the number of elected officials from 11, this will require an

the per capita distributions received by members of other successful gaming tribes.

New leader Benjamin made a campaign promise to amend to the Constitution. Scheduling a Secretarial Election with the BIA may place the Legislature outside the time line for completing the redistricting.

BIA/Interior tends to be 6 months behind in scheduling of such elections.

Determining if the District boundaries will be altered, in order to secure a proportionate representation of members to representatives. The Administrative Sub-Committee may recommend that the number of elected officials remains at 11, but alter the boundaries of each district in accordance with the HCN Constitution, Article V, §4.

Because of the urgency of this project, the Administrative Sub-Committee Chair may call special meetings of the Administrative Committee to complete the work. Comments and suggestions can be provided to your District Representatives at Ho-Chunk Nation Legislature, P.O. Box 667, Black River

reexamine per capita distributions. She did not, however, make any

Continued on page 2, column 1

Falls, WI 54615. Public comment and participation is critical in trying to determine the method and manner of re-districting. The Legislators are using Area meetings over the next several months as the forum for public comment and in-put in the process. As usual, the Legislative and Administrative Sub-Committee sessions are open to the public to discuss re-districting. You may also wish to fax or E-mail your comments. Please contact the Legislative Offices at 800-294-9343 or 715-284-9343 ext. 1286, to obtain the E-mail addresses of persons on the Administrative Sub-Committee or your District Representative. Additionally, you may also provide written comments by fax at 715-284-3172.

Under the HCN Constitution, re-districting is to be addressed every five years, starting in 1995. The Constitution provides that the redistricting must be completed six (6) months before the next election. Thus, the work of the Administrative Sub-Committee must be completed by late summer/early autumn. The Administrative Sub-Committee will establish a timetable and provide periodic up-dates to accomplish this task. Then the Election Board will have to

schedule a special election, where tribal members may vote on the re-districting plan.

Editorial Note: On May 16, the Ho-Chunk Nation Legislature met and determined that redistricting will be conducted on the basis of total population rather than total eligible voters.

Continued on page 3, column 1

Practice Tips

Rules 3 and 6 of the *Ho-Chunk Nation Rules of Civil Procedure* require parties to give their full addresses and telephone numbers in their initial pleadings. Although there is no explicit requirement that the parties keep this information up to date, Rules 3 and 6 demonstrate the importance of the Court maintaining current contact information. Recently, the Court has run into difficulties contacting parties due to outdated contact information. The Court, therefore, requests that all parties update the Court in a timely manner when their address(es) or telephone number(s) change.

Redistricting

Continued from page 1

Full proposals with accompanying maps are available at all district offices.

What follows below are text versions of the redistricting

REDISTRICTING FORM: Current Districts

!!!Court News!!!

On July 15, 2000 at 9:00 a.m., the Ho-Chunk Nation Supreme Court will hear Oral Arguments in *Harry and Jess Steindorf v. Ho-Chunk Nation*, SU 00-04.

The Court would like to welcome Lori Swallow to the Court staff. Lori recently took over the

Ho-Chunk Population: 6078
Ratio: 1 Legislator for every 552 Members

Ho-Chunk Eligible Voters: 4099
Ratio: 1 Legislator for every 373 Eligible Voter

Representatives or Legislators: 11
District I
Ratio: 1 to 392
Boundary Encompasses: Eau Claire (110); Clark (76); Jackson (992)
Representatives: 3
Population: 1176

District II
Ratio: 1 to 538
Boundary Encompasses: La Crosse (225); Monroe (296); Vernon (9); Crawford (8)
Representatives: 1
Population: 538

District III
Ratio: 1 to 202
Boundary Encompasses: Marathon (80); Shawano (122)
Representatives: 1
Population: 202

District IV
Ratio: 1 to 382
Boundary Encompasses: Wood (332); Juneau (254); Adams (45); Sauk (424); Columbia (92)
Representatives: 3
Population: 1147

District V
Ratio: 1 to 1001

Supreme Court Clerk position vacated by Willa RedCloud's move to Bailiff and Process Server. Lori is an enrolled member of the Oglala Lakota Nation and is married to an enrolled member of the Ho-Chunk nation. Lori comes to us by way of Four Winds Insurance.

Boundary Encompasses: Remaining Counties within Wisconsin (1148); All States & Countries (1856)
Representatives: 3
Population: 3004

REDISTRICTING FORM: SCENARIO 1A

Ho-Chunk Population: 6072
Ratio: 1 Legislator for every 552 Members
Representatives or Legislators: 11
If each Legislator represents 552

District I
Ratio: 1 to 416
Boundary Encompasses: Eau Claire (115); Clark (77); Jackson (997); Polk (4); Barron (8); Rusk (3); Chippewa (12); Dunn (6); St. Croix (6); Pierce (5); Pepin (0); Buffalo (0); Trempealeau (14).
Representatives: 3
Population: 1247

District II
Ratio: 1 to 551
Boundary Encompasses: La Crosse (220); Monroe (305); Vernon (9); Crawford (6); Richland (0); Grant (4); Iowa (5); LaFayette (2).
Representatives: 1
Population: 551

District III
Ratio: 1 to 749
Boundary Encompasses: Marathon (80); Shawano (125); Wood (329); Burnett (5); Washburn (6); Sawyer (29); Douglas (3); Bayfield (4); Ashland (13); Iron (1); Price (4); Taylor (0); Vilas (22);

Oneida (5); Lincoln (4); Langlade (3); Forest (19); Florence (0); Marinette (2); Menominee (35); Oconto (3); Door (0); Portage (31); Waupaca (9); Outagamie (17); Brown (66); Kewaunee (0).
Representatives: 1
Population: 749

District IV

Ratio: 1 to 531
Boundary Encompasses: Juneau (259); Adams (45); Sauk (418); Columbia (94); Dane (229); Green (15); Rock (28); Waushara (5); Winnebago (27); Calumet (0); Manitowoc (0); Marquette (8);

Continued from page 3

DIII.

REDISTRICTING FORM: SCENARIO 1B

Ho-Chunk Population: 6072
Ratio: 1 Legislator for every 552 Members
Representatives or Legislators: 11
Continued on page 4

Continued from page 3

If each Legislator represents 552

District I

Ratio: 1 to 525
Boundary Encompasses: Eau Claire (115); Clark (77); Jackson (997); Polk (4); Barron (8); Rusk (3); Chippewa (12); Dunn (6); St. Croix (6); Pierce (5); Pepin (0); Buffalo (0); Trempealeau (14); Wood (329).
Representatives: 3
Population: 1576

District II

Ratio: 1 to 870
Boundary Encompasses: La Crosse (220); Monroe (305); Vernon (9); Crawford (6); Richland (0); Grant (4); Iowa (5); LaFayette (2); Juneau (259); Adams (45); Waushara (5); Marquette (8); Green Lake (2).
Representatives: 1
Population: 870

District III

Ratio: 1 to 486

Green Lake (2); Fon du Lac (14); Sheboygan (11); Dodge (4); Washington (7); Ozaukee (9); Jefferson (1); Waukesha (32); Milwaukee (369); Walworth (1); Racine (16); Kenosha (9).
Representatives: 3
Population: 1603

District V

Ratio: 1 to 618
Boundary Encompasses: All other States & Countries
Representatives: 3
Population: 1856

Boundary Encompasses: Marathon (80); Shawano (125); Burnett (5); Washburn (6); Sawyer (29); Douglas (3); Bayfield (4); Ashland (13); Iron (1); Price (4); Taylor (0); Vilas (22); Oneida (5); Lincoln (4); Langlade (3); Forest (19); Florence (0); Marinette (2); Menominee (35); Oconto (3); Door (0); Portage (31); Waupaca (9); Outagamie (17); Brown (66); Kewaunee (0).
Representatives: 1
Population: 486

District IV

Ratio: 1 to 428
Boundary Encompasses: Sauk (418); Columbia (94); Dane (229); Green (15); Rock (28); Winnebago (27); Calumet (0); Manitowoc (0); Fon du Lac (14); Sheboygan (11); Dodge (4); Washington (7); Ozaukee (9); Jefferson (1); Waukesha (32); Milwaukee (369); Walworth (1); Racine (16); Kenosha (9).
Representatives: 3
Population: 1284

District V

Ratio: 1 to 618
Boundary Encompasses: All other States & Countries
Representatives: 3
Population: 1856

Suggestions:

Move Waushara (5), Marquette (8) and Green Lake (2) from DII to DIII and Move Winnebago (27) from DIV to DIII, then the numbers come out with DII with 855, DIV with 1257 and DIII with 528.

Suggestions:

*Move Ashland (13), Sawyer (29), Bayfield (4), Douglas (2), Burnett (5), Washburn (6) from District III into District I. DI shifts to 1307 and DIII shifts to 755. Three (3) Rep for DI and 1 rep for DIII.

*Move Wood (329) from DIII into DI, then DI shifts to 1576 and DIII shifts to 486. Three (3) Reps for DI and 1 Rep for
Continued on page 4

REDISTRICTING FORM: SCENARIO 2

Ho-Chunk Population: 6072
Ratio: 1 Legislator for every 552 members
Representatives or Legislators: 11

District I

Ratio: 1 to 580
Boundary Encompasses: Eau Claire (115); Clark (77), Jackson (997), Trempealeau (14), Buffalo (0), Pepin (0), Pierce (5), St. Croix (6), Dunn (6), Chippewa (12), Taylor (0), Price (4), Rusk (3), Barron (8), Polk (4), Burnett (5), Washburn (6), Sawyer (29), Ashland (13), Iron (1), Bayfield (4), Douglas (3), and State of Minnesota (429)
Representatives: 3
Population: 1741

District II

Ratio: 1 to 421
Boundary Encompasses: Vilas (22); Oneida (5), Florence (0), Forest (19), Marinette (2), Langlade (3), Lincoln (4), Menominee (35), Marathon (80), Shawano (125), Oconto (3), Door (0), Kewaunee (0), Brown (66), Outagamie (17), Waupaca (9), Portage (31)
Representatives: 1
Population: 421

District III

Ratio: 1 to 510
Boundary Encompasses: La Crosse (220); Monroe (305), Vernon (9), Crawford (6), Grant (4), La Fayette (2), Green (15), Rock (28), Jefferson (1), Dane (229), Iowa (5), Richland (0), Sauk (418), Juneau (259), Wood (329),

Adams (45), Waushara (5), Gr. Lake (2), Columbia (94), Dodge (4), Fon Du Lac (14), Marquette. (8), Sheboygan (11), Manitowoc (0), Calumet (0), Winnebago (27)
Representatives: 4
Population: 2040

District IV

Ratio: 1 to 652
Boundary Encompasses: Washington (7); Ozaukee (9), Waukesha (32), Milwaukee (369), Walworth (1), Racine (16), Kenosha (9), and the State of Illinois (209)
Representatives: 1
Population: 652

Continued from page 4

(80), Shawano (125), Oconto (3), Menominee (35), Langlade (3), Forest (19), Florence (0), Marinette (2).
Representatives: 3
Population: 1610

District II

Ratio: 1 to 449
Boundary Encompasses: La Crosse (220), Monroe (305), Juneau (259), Adams (45), Waushara (5), Marquette (8), Green Lake (2), Fon Du Lac (14), Sheboygan (11), Manitowoc (0), Calumet (0), Winnebago (27), Wood (329), Portage (31), Waupaca
Continued on page 5

Continued from page 4

(9), Outagamie (17), Brown (66), Kewaunee (0), Door (0). Vernon (9)
Representatives: 3
Population: 1357

District III

Ratio: 1 to 416
Boundary Encompasses: Crawford (6), Richland (0), Sauk (418), Columbia (94), Dodge (4), Washington (7), Ozaukee (9), Grant (4), Iowa (5), Dane (229), Jefferson (1), Waukesha (32), Milwaukee (369), La Fayette (2), Green (15), Rock (28), Walworth (1), Racine (16), Kenosha (9)
Representatives: 3
Population: 1249

District IV

District V

Ratio: 1 to 609
Boundary Encompasses: All other States and Countries
Representatives: 2
Population: 1218

REDISTRICTING FORM: SCENARIO 3

Ho-Chunk Population: 6072
Ratio: 1 Legislator for every 552 members
Representatives or Legislators: 12, requires Secretarial Election to change number of Reps, unless adjust the Boundaries Encompasses: All Other States and Countries
Representatives: 3
Population 1856

REDISTRICTING FORM: SCENARIO 4

Ho-Chunk Population: 6072
Ratio: 1 Legislator for every 552 or 506 members
Representatives or Legislators: 11 or 12*
District I 2 Reps. Ratio: 1 to 616 or 3 Reps. Ratio: 1 to 411
Boundary Encompasses: Eau Claire (115); Clark (77), Jackson (997), Trempealeau (14), Buffalo (0), Pepin (0), Pierce (5), St. Croix (6), Dunn (6), Chippewa (12),
Representatives: 2
Population: 1232

District II

Ratio: 1 to 637 or 3 Reps. Ratio: 1 to 424
Boundary Encompasses: La Crosse (220), Monroe (305), Juneau (259), Adams (45), Crawford (6), Richland (0), Sauk (418), Grant (4), Iowa (5), La Fayette (2), Vernon (9)
Representatives: 2
Population: 1273

District III

Ratio: 1 to 881
Boundary Encompasses: Columbia (94), Dodge (4), Washington (7), Ozaukee (9), Dane (229), Jefferson (1), Waukesha (32), Milwaukee (369), Green

numbers by shifting counties to provide more equity by district.

District I

Ratio: 1 to 537
Boundary Encompasses: Eau Claire (115); Clark (77), Jackson (997), Trempealeau (14), Buffalo (0), Pepin (0), Pierce (5), St. Croix (6), Dunn (6), Chippewa (12), Taylor (0), Price (4), Rusk (3), Barron (8), Polk (4), Burnett (5), Washburn (6), Sawyer (29), Ashland (13), Iron (1), Bayfield (4), Douglas (3), Vilas (22), Oneida (5), Lincoln (4), Marathon *Continued on page 5*

(15), Rock (28), Walworth (1), Racine (16), Kenosha (9), Waushara (5), Marquette. (8), Gr. Lake (2), Fon Du Lac (14), Sheboygan (11), Manitowoc (0), Calumet (0), Winnebago (27)
Representatives: 1
Population: 881

District IV

Ratio: 1 to 830
Boundary Encompasses: Taylor (0), Price (4), Rusk (3), Barron (8), Polk (4), Burnett (5), Washburn (6), Sawyer (29), Ashland (13), Iron (1), Bayfield (4), Douglas (3), Vilas (22), Oneida (5), Lincoln (4), Marathon (80), Shawano (125), Oconto (3), Door (0), Menominee (35), Langlade (3), Forest (19), Florence (0), Marinette (2), Wood (329), Portage (31), Waupaca (9), Outagamie (17), Brown (66), Kewaunee (0)
Representatives: 1
Population: 830

District V

Ratio: 1 to 619
Boundary Encompasses: All other States and Countries
Representatives: 3
Population: 1856

* Secretarial Election will be required if we change the number of legislators, an option maybe shifting some other counties into an adjacent district so that it is more equitable.

REDISTRICTING FORM: SCENARIO 5

Ho-Chunk Population: 6072
Ratio: 1 Legislator for every 552 members

Representatives or Legislators: 11

District I

Ratio: 1 to 437

Boundary Encompasses: Taylor (0), Price (4), Rusk (3), Barron (8), Polk (4), Burnett (5), Washburn (6), Sawyer (29), Ashland (13), Iron (1), Bayfield (4), Douglas (3), Eau Claire (115), Clark (77), Jackson (997), Trempealeau (14), Buffalo (0), Pepin (0), Pierce (5), St. Croix (6), Dunn (6), Chippewa (12),

Representatives:

Population: 1312

District II

Ratio: 1 to 750

Continued from page 5

District V

Ratio: 1 to 619

Boundary Encompasses: All other States and Countries

Representatives:

Population: 1856

REDISTRICTING FORM: SCENARIO 6

Ho-Chunk Population: 6072

Ratio: 1 Legislator for every 552 members

Representatives or Legislators: 11

District I

Ratio: 1 to 562

Boundary Encompasses: Eau Claire (115); Jackson (997), Trempealeau (14),

Continued on page 6

Continued from page 5

Buffalo (0), Pepin (0), Pierce (5), St. Croix (6), Dunn (6), La Crosse (220), Monroe (305), Richland (0), Crawford (6), Grant (4), Vernon (9)

Representatives: 3

Population: 1687

District II

Ratio: 1 to 460

Boundary Encompasses: Vilas (22), Oneida (5), Lincoln (4), Marathon (80),

Boundary Encompasses: Vilas (22), Oneida (5), Lincoln (4), Marathon (80), Shawano (125), Oconto (3), Door (0), Menominee (35), Langlade (3), Forest (19), Florence (0), Marinette (2), Wood (329), Portage (31), Waupaca (9), Outagamie (17), Brown (66), Kewaunee (0),

Representatives: 1

Population: 750

District III

Ratio: 1 to 449

Boundary Encompasses: Dodge (4), Washington (7), Ozaukee (9), Walworth (1), Racine (16), Kenosha (9), Fon Du Lac (14), Sheboygan (11), Manitowoc (0), Calumet (0), Winnebago (27), Milwaukee (369), Waukesha (32), Shawano (125), Oconto (3), Door (0), Menominee (35), Langlade (3), Forest (19), Florence (0), Marinette (2), Wood (329), Portage (31), Waupaca (9), Outagamie (17), Brown (66), Kewaunee (0), Taylor (0), Price (4), Rusk (3), Barron (8), Polk (4), Burnett (5), Washburn (6), Sawyer (29), Ashland (13), Iron (1), Bayfield (4), Douglas (3), Chippewa (12), Clark (77),

Representatives: 2

Population: 919

District III

Ratio: 1 to 537

Boundary Encompasses: Dodge (4), Washington (7), Ozaukee (9), Walworth (1), Racine (16), Kenosha (9), Fon Du Lac (14), Sheboygan (11), Manitowoc (0), Calumet (0), Winnebago (27), Milwaukee (369), Waukesha (32), Juneau (259), Adams (45), Sauk (418), Iowa (5), La Fayette (2), Dane (229), Jefferson (1), Green (15), Rock (28), Columbia (94), Waushara (5), Marquette. (8), Gr. Lake (2),

Representatives: 3 (2.9)

Population: 1610

District IV

Ratio: 1 to 619

Boundary Encompasses: All other States and Countries

Representatives: 3

Population: 1856

Representatives: 1

Population: 499

District IV

Ratio: 1 to 552

Boundary Encompasses: La Crosse (220), Monroe (305), Juneau (259), Adams (45), Crawford (6), Richland (0), Sauk (418), Grant (4), Iowa (5), La Fayette (2), Vernon (9), Dane (229), Jefferson (1), Green (15), Rock (28), Columbia (94), Waushara (5), Marquette. (8), Gr. Lake (2),

Representatives:

Population: 1655

Continued on page 6

REDISTRICTING FORM: SCENARIO 7

Ho-Chunk Population: 6072

Ratio: 1 Legislator for every 552 members

Representatives or Legislators: 11

District I

Ratio: 1 to 412

Boundary Encompasses: Wood (329), Portage (31), Waupaca (9), Outagamie (17), Brown (66), Kewaunee (0), Fon Du Lac (14), Sheboygan (11), Manitowoc (0), Calumet (0), Winnebago (27), Waushara (5), Marquette. (8), Gr. Lake (2), Juneau (259), Adams (45)

Representatives: 2

Population: 823

District II

Ratio: 1 to 366

Boundary Encompasses: Vilas (22), Oneida (5), Lincoln (4), Marathon (80), Shawano (125), Oconto (3), Door (0), Menominee (35), Langlade (3), Forest (19), Florence (0), Marinette (2), Taylor (0), Price (4), Rusk (3), Burnett (5), Washburn (6), Sawyer (29), Ashland (13), Iron (1), Bayfield (4), Douglas (3)

Representatives: 1

Population: 366

District III

Ratio: 1 to 625

Boundary Encompasses: Dodge (4), Washington (7), Ozaukee (9), Walworth

Page

(1), Racine (16), Kenosha (9), Milwaukee (369), Waukesha (32), Sauk (418), Iowa (5), La Fayette (2), Dane (229), Jefferson (1), Green (15), Rock (28), Columbia (94), Richland (0), Crawford (6), Grant (4)
Representatives: 2
Population: 1249

District IV

Ratio: 1 to 593
Boundary Encompasses: Eau Claire (115), Jackson (997), Trempealeau (14), La Crosse (220), Monroe (305), Barron (8), Polk (4), Chippewa (12), Clark (77), Buffalo (0), Pepin (0), Pierce (5), St. Croix (6), Dunn (6), Vernon (9)
Representatives: 3
Population: 1778

Continued from page 6

(29), Ashland (13), Iron (1), Bayfield (4), Douglas (3), Chippewa (12), Buffalo (0), Pepin (0), Pierce (5), St. Croix (6), Dunn (6),
Representatives: 1
Population: 407

District III

Ratio: 1 to 629
Boundary Encompasses: Dodge (4), Washington (7), Ozaukee (9), Walworth (1), Racine (16), Kenosha (9), Milwaukee (369), Waukesha (32), Sauk (418), Iowa (5), LaFayette (2), Dane (229), Jefferson (1), Green (15), Rock (28), Columbia (94), Richland (0), Crawford (6), Grant (4), Vernon (9)
Representatives: 2
Population: 1258

District IV

Ratio: 1 to 619
Boundary Encompasses: All other States and Countries
Continued on page 7

Continued from page 6

Representatives: 3
Population: 1856

REDISTRICTING FORM: Submitted by Minneapolis/St. Paul

District V

Ratio: 1 to 619
Boundary Encompasses: All other States and Countries
Representatives: 3
Population: 1856

REDISTRICTING FORM: SCENARIO 8

Ho-Chunk Population: 6072
Ratio: 1 Legislator for every 552 members
Representatives or Legislators: 11

District I

Ratio: 1 to 510
Boundary Encompasses: Eau Claire (115), Jackson (997), Trempealeau (14), La Crosse (220), Monroe (305), Wood (329), Portage (31), Waupaca (9),

Ho-Chunk Population: 6078
Ratio: 1 Legislator for every 552 Members
Ho-Chunk Eligible Voters: 4099
Ratio: 1 Legislator for every 373 Eligible Voters
Representatives or Legislators: 11

District I

Ratio: 1 to 499
Boundary Encompasses: Jackson (997)
Representatives: 2
Population: 997

District II

Ratio: 1 to 771
Boundary Encompasses: Wood ((329); Shawano (125); Eau Claire (115); Marathon (80); Clark (77); Adams (45)
Representatives: 1
Population: 771

District III

Ratio: 1 to 771
Boundary Encompasses: Sauk (418); Juneau (259); Columbia (94)
Representatives: 1
Population: 771

District IV

Ratio: 1 to 540
Boundary Encompasses: Monroe (305); LaCrosse (220); Vernon (9); Crawford (6)
Representatives: 1

Outagamie (17), Brown (66), Kewaunee (0), Fon Du Lac (14), Sheboygan (11), Manitowoc (0), Calumet (0), Winnebago (27), Waushara (5), Marquette (8), Green Lake (2), Juneau (259), Adams (45), Clark (77)

Representatives: 5 (4.6)
Population: 2551

District II

Ratio: 1 to 407
Boundary Encompasses: Vilas (22), Oneida (5), Lincoln (4), Marathon (80), Shawano (125), Oconto (3), Door (0), Menominee (35), Langlade (3), Forest (19), Florence (0), Marinette (2), Taylor (0), Price (4), Rusk (3), Barron (8), Polk (4), Burnett (5), Washburn (6), Sawyer
Continued on page 7

Population: 540

District V

Ratio: 1 to 600
Boundary Encompasses: Remaining Counties within Wisconsin (1143); All States & Countries (1856)
Representatives: 5
Population: 2999

DRAFT

Ho-Chunk Population: 6069
Ratio: 1 Legislator for every 552 Members
Representatives or Legislators: 11
If each Legislator represents 552

District I

Ratio: 1 to 428
Boundary Encompasses: Eau Claire; Clark; Jackson; Polk; Barron; Rusk;; Chippewa; Dunn; St. Croix; Pierce; Pepin; Buffalo; Trempealeau
Representatives: 3
Population: 1284

District II

Ratio: 1 to 547
Boundary Encompasses: La Crosse; Monroe; Vernon; Crawford; Richland; Grant; Iowa; LaFayette
Representatives: 1
Population: 547

District III

Ratio: 1 to 510
Boundary Encompasses: Marathon; Shawano; Waushara; Winnebago; Burnett; Washburn; Sawyer; Douglas; Bayfield; Ashland; Iron; Price; Vilas; Oneida; Lincoln; Langlade; Forest; Florence; Marinette; Menominee; Oconto; Door; Portage; Waupaca; Outagamie; Brown; Kewaunee; Taylor
Representatives: 1
Population: 510

District IV

Ratio: 1 to 528
Boundary Encompasses: Juneau; Adams; Wood; Sauk; Columbia; Dane; Green; Rock Calumet; Manitowoc; Marquette; Green Lake; Fon du Lac; Sheboygan; Dodge; Washington; Ozaukee; Jefferson; Waukesha; Milwaukee; Walworth; Racine; Kenosha
Representatives: 3
Population: 1584

Continued from page 7
Roger Littlegeorge v. Jacob Lonetree as President of the Ho-Chunk Nation, CV 95-20 (HCN Tr. Ct., May 24, 2000) Notice of Conformity (Proposed Amendments to the Per Capita Distribution Ordinance and Accompanying Trust Instrument).

State of Wisconsin/Sauk Co. v. Janice Harrison, CS 00-13 (HCN Tr. Ct., May 30, 2000) Order (Enforcing Child Support).

In the Interest of Minor Child(ren): N.J.O., DOB 02/19/84, JV 00-16 (HCN Tr. Ct., June 1, 2000) Order (Entrance of Plea).

In the Interest of Minor Child(ren): J.L.W., DOB 10/12/89, JV 99-23 J.A.C., DOB 08/01/92, JV 99-24 (HCN Tr. Ct., June 6, 2000) Order (Acceptance of GAL Motion to Withdraw).

District V

Ratio: 1 to 619
Boundary Encompasses: All other States & Countries
Representatives: 3
Population: 1856

Recent Decisions

Ho-Chunk Nation Trial

Court: Lynda Broschardt v. HCN Rainbow Bingo and Darren Brinegar-General Manger in both his Official and Individual Capacities, CV 99-109 (HCN Tr. Ct., May 26, 2000) Order (Granting permission to file second amended complaint).

State of Wisconsin/Jackson County v. Lohman E. Cloud, CS 00-19 (HCN Tr. Ct., June 6, 2000) Default Judgment (Enforcing Child Support).

Stella Medicine-Top v. Marvin Decorah, CS 98-55 (HCN Tr. Ct., June 7, 2000) Order (Suspending Enforcement).

In the Interest of Minor Child: J.D.J. DOB: 12/18/86, JV 98-19 (HCN Tr. Ct., June 6, 2000) Order (Appointment of Guardian ad Litem).

Carrie A. Kessenich v. Carlos D. Smith, CS 00-22 (HCN Tr. Ct., June 7, 2000) Default Judgment (Enforcing Child Support).

In the Matter of the Child S.R.G., DOB 9/20/83, JV 99-14 (HCN Tr. Ct., June 8, 2000) Motion to Withdraw (Granted).

In the Matter of Children: H.D.J., DOB: 11/25/88, JV 98-20, S.M.J.,

Melanie Stacy v. Harrison J. Funmaker, CV 96-48 (HCN Tr. Ct., May 26, 2000) Order (Modifying Child Support).

Jean Ann Day v. Perry Bell, Carol Robers, Sid Lewis and Department of Social Services, CV 99-70 (HCN Tr. Ct., May 26, 2000) Order (Voluntary Dismissal with Prejudice).

State of Wisconsin/Vilas County v. Bette J. White, CS 99-27 (HCN Tr. Ct., May 26, 2000) Order (Suspending Child Support).

Continued on page 8

DOB : 11/25/88, JV 98-21 (HCN Tr. Ct, June 8, 2000) Order from Status Hearing.

In the Matter of Physical Fitness, Administrative Order 00-02, (HCN Tr. Ct., June 8, 2000).

In the Matter of the Children L.M., DOB 4/9/93, JV 98-14, K.M., D.O.B. 1/8/92, JV 98-15 (HCN Tr. Ct., June 9, 2000). Order to Show Cause

In the Interest of Minor Child D.J.D., DOB 04/04/92, JV 97-11, N.L.D., DOB 10/03/93, 97-12 (HCN Tr. Ct., June 13, 2000) Findings of Fact and Conclusions of Law.

Carrie A. Kessenich v. Carlos D. Smith, CS 00-22 (HCN Tr. Ct., June 16, 2000) Erratum.

In the Interest of Minor Children: D.H.F., DOB 09/26/96, JV 99-07, A.V.F., DOB 03/26/98, JV 99-08

(HCN Tr. Ct., June 16, 2000)
Termination of Order.

HCN Dept. of Housing, Property Management Division v. Charles C. Brown and Simone I. Brown, CV 99-100 (HCN Tr. Ct., June 23, 2000) Judgment.

HCN Dept. of Housing, Property Management Division v. Cherylene Long, CV 99-98 (HCN Tr. Ct., June 23, 2000) Judgment.

In the Interest of Minor Child S.J.R., D.O.B. 03/31/99, JV 00-01 (HCN Tr. Ct., June 23, 2000) Notice (Statement and Modification of Order)

In the Matter of the Child G.E.G., D.O.B. 9/18/99, JV 00-14 (HCN Tr. Ct., June 27, 2000) Stay.

Continued from page 8
HCN Dept. of Housing, Division of Property Management v. Benjamin C. Decorah, CV 00-89, filed June 13, 2000.

Ho-Chunk Nation Dept. of Housing v. Lionel Pettibone, Sr. and Sharon Pettibone, CV 00-49, filed June 13, 2000.

Dolores Greendeer v. Randall Mann, CV 00-50, filed June 13, 2000.

Michelle Decorah v. Irene Keenan, Child Care Assistance Program/Dept. Of Social Services, CV 00-51, filed June 14, 2000.

Karen Hachey v. Ho-Chunk Casino, CV 00-52, filed June 14, 2000.

HCN Dept. of Housing, Property Management Division v. Sarah Dobbs, CV 00-16 (HCN Tr. Ct. June 23, 2000) Judgment

In the Interest of Minor Child T.L.B., D.O.B. 9/20/84, JV 00-15 (HCN Tr. Ct., June 30, 2000) Order (Appointment of Permanent Guardian of the Person)

Recent Filings

Ho-Chunk Nation Trial Court:

Emily Boswell v. Lisa Banuelas, CS 00-25, filed May 30, 2000.

Marguerite I. WhiteEagle v. Ho-Chunk Nation-President, Jacob Lonetree and Dept. of Social Services-Betty Decorah Funmaker, Youth Service Program-Russel Girard, Judie Helmer, CV 00-53, filed June 15, 2000.

Marguerite I. WhiteEagle v. Ho-Chunk Nation-President, Jacob Lonetree and Nancy Marj- (LTE) General Mgr. of DeJope, CV 00-54, filed June 15, 2000.

Libby Fairchild v. HCN Legislature, CV 00-55, filed June 19, 2000

Susan Oyama v. Alexander D. Gourd CS 00-27, filed June 20, 2000.

In the Interest of E.S.D., D.O.B., 4/25/85, by Dawn Decorah, CV 00-56, filed June 21, 2000.

In the Interest of Readona Wilson by Violet Vilbaum, CV 00-44, filed May 30, 2000.

HCN Dept. of Housing v. Francina Williams, CV 00-45, filed June 1, 2000.

HCN Dept. of Housing v. Jerome Marshall Cloud, CV 00-46, filed June 1, 2000.

Hennepin County v. Shirley Jackson v. Kent Funmaker CS 00-26, filed June 5, 2000.

In the Interest of Daniel J. Perez by Loretta Patterson, CV 00-47, filed June 6, 2000.
Continued on page 9

HCN Housing Authority v. Cindy Funmaker, CV 00-57, filed June 21, 2000.

HCN Dept. of Justice v. Gaming Commission, CV 00-58, June 22, 2000.

Nicky L Woolhouse v. Domic D. Bell, CS 00-28, filed June 26, 2000.

Roger Wallace v. Renea Perez, CS 00-29, filed June 26, 2000.

State of Wisconsin, Stacie Osorio v. Edward F. Topping, Jr., CS 00-30, filed June 28, 2000.

State of Wisconsin, Brenda J. Sterba v. Joshua W. Steindorf, CS 00-31, filed June 29, 2000.

Ho-Chunk Nation Supreme Court:

Deena M. Basina v. William P. Smith, SU 00-08, filed May 24, 2000.

HCN Court Fees

- Filing Fees. \$35
- Service of Summons
 - In Person. \$15 (or cost, if out of state)
 - By Mail. \$4 (or cost, whichever is greater)
 - By the Court. \$0.31 (per mile)
- Copying. \$0.10/per page
- Faxing \$0.25/per page (sending & receiving)
- Tapes of Hearings. \$10 / tape
- Deposition Videotape. . . . \$10 / tape
- Certified Copies. \$0.50/ page
- Equipment Rental. \$5.00/ hour
- Register a Foreign Orders. \$15
- Appellate filing fees. \$35
- Admission to Practice. \$50
- Pro Hac Vice Appearance. \$35

Legal Citation Form

Below are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution
 Constitution, Article Number, Section, and Subsection.
 HCN CONST., ART. XI, Sec. (or §) 7.
 HCN CONST., ART. II, Sec. (or §) 1(a).

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
 PERSONNEL POLICIES AND PROCEDURES MANUAL, Ch. 12, Part B, p. 82.
 CLAIMS AGAINST PER CAPITA, §6.01(b).

HCN Supreme Court Case Law

Case Name, Case No (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).
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HCN Trial Court Case Law

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Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).
In the Interest of Minor Child X, JV 95-047 (HCN Tr. Ct., May 23, 1994).

Rules of Civil Procedure

HCN R.. Civ. P. 19(B).

Ho-Chunk Nation Court Bulletin

Volume 6, Number 8

August 2000

Trial Court to Hold Law Day 2000

The Trial Court is planning Law Day 2000. Law Day 2000 will take place on Friday, September 1, 2000 at the Ho-Chunk Nation Trial Court. Registration will begin at 8:00 a.m. The event will begin at 8:30 a.m and end at noon. The Court plans to apply for CLE credits for this event. Law Day 2000 is open to the members of the Ho-Chunk Nation bar (including the Lay Advocates). It is an excellent opportunity to get updates on the cases from the past year before the Trial Court and the Supreme Court, and to get updates on important legislation.

In addition, the Fun Run is scheduled for Saturday, September 2, 2000. This 5K (3.1 mile) run will begin at the Ho-Chunk Nation Courthouse. Registration opens at 8 a.m. The Fun Run will begin at 9 a.m. The winners of the Fun Run will receive prizes.

If you have any questions about either Law Day 2000 or the Fun Run, feel free to call Staff Attorney Katherine Kruger at (715) 284-2722.Γ



Court News

The Ho-Chunk Nation Supreme Court will be meeting on September 16, 2000 at the Ho-Chunk Nation Courthouse. At this time, no oral arguments have been scheduled for this meeting.

Three Ho-Chunk Nation Supreme Court opinions were published in Volume 27, No. 6 of the INDIAN LAW REPORTER. The Ho-Chunk Nation Tribal Court library holdings include the INDIAN LAW REPORTER, Volumes 8 to present, which can be a useful research tool.

The National Indian Court Judges Association's Annual Membership Meeting will be held on September 10, 2000 in Seattle, Washington.Γ

INSIDE THIS ISSUE

- 1** Law Day 2000
- 1** Court News
- 2** Recent Decisions
- 3** Recent Filings
- 4** HCN Court Fees
- 4** Legal Citation Form

Recent Decisions

Ho-Chunk Nation Trial Court:

Kerry A. Hiller v. Ho-Chunk Gaming Commission, CV 99-72 (HCN Tr. Ct., July 5, 2000) *Order (Granting Defendant's Motion for Summary Judgment)*. The Court determined that revoking the plaintiff's gaming license was a reasonable civil penalty. The plaintiff had removed and concealed a patron's property from the casino.

State of Wisconsin and Wendy Littlegeorge v. Stuart Lonetree, CS 00-24 (HCN Tr. Ct., July 5, 2000) *Order (Enforcing Child Support)*. The Court enforced a valid child support order through per capita distribution withholding.

In the Matter of Children: J.L., DOB 12-14-89, R.L., DOB 4-27-91, and C.L., DOB 1-28-93, JV 97-06, 97-07, and 97-08 (HCN Tr. Ct., July 10, 2000) *Order (Child Support)*. The Court withheld child support from per capita distributions.

State of Wisconsin, Columbia County v. Mari L. Hence, CS 00-18 (HCN Tr. Ct., July 10, 2000) *Order (Enforcing Child Support in Part)*. The Court enforced current child support through per capita distribution withholding. The Court did not enforce withholdings for arrears as the plaintiff has failed to submit proof of arrears.

In the Interest of Minor Children: D.J.D. DOB 04/04/92 and N.L.D. DOB 10/03/93, JV 97-11 and 97-12 (HCN Tr. Ct., July 10, 2000) *Order (Child Support)*. The Court withheld child support from per capita distributions.

State of Wisconsin and Eau Claire Co., WI v. Cecelia Cloud, CS 00-08 (HCN Tr. Ct., July 10, 2000) *Order (Suspending Child Support)*. The Court suspended child support withholding as requested by the plaintiff.

State of Wisconsin, Jackson County, on Behalf of Annie Winneshiek v. Gregory Harrison, CV 97-158 (HCN Tr. Ct., July 10, 2000) *Order (Ceasing Withholding for Child Support)*. The Court ceased withholding from per capita distributions for arrears until such time as the plaintiff files proof of arrears owed by the defendant.

State of Wisconsin, Wood County, on Behalf of Evangeline Two Crow v. Gregory Harrision, CV 97-

153 (HCN Tr. Ct., July 10, 2000) *Order (Reinstating Full Child Support)*. The Court may now withhold the full child support amount from the defendant's per capita distributions because his eldest child has reached adulthood and is no longer eligible for support.

Rachel M. Puzon v. Ken Whitehorse, Executive Administrative Officer and Jacob LoneTree, President, CV 00-29 (HCN Tr. Ct., July 11, 2000) *Order (Compelling Discovery)*.

In the Interest of Minor Child K.A.O., DOB 04-10-89, by Robert Orozco v. HCN Office of Tribal Enrollment, CV 00-40 (HCN Tr. Ct., July 11, 2000) *Order (Denial of Petition)*. The Court denied a parent's request to invade his child's CTF for the purchase of a newer mobile home.

Emily Boswell v. Lisa Banuelos, CS 00-25 (HCN Tr. Ct., July 11, 2000) *Default Judgment (Enforcing Child Support)*. The Court enforced a valid child support order through per capita distribution withholding.

In the Interest of the Minor Child: T.F., DOB 12-25-91, JV 97-01 (HCN Tr. Ct., July 12, 2000) *Status Hearing (May 3, 2000)*.

Juneau County/Keith Miller v. Chasity A. Miller, CS 99-26 (HCN Tr. Ct., July 12, 2000) *Order (Suspending Child Support)*. The Court suspended child support withholding at the request of the plaintiff.

In the Interest of Minor Child: A.C.G. dob 04/04/89, P.M.S. dob 01/14/91, P.A.S. dob 01/14/91, M.J.B. dob 07/09/94, and M.K.B. dob 03/20/96, JV 98-05, 98-06, 98-07, 98-08, and 98-09 (HCN Tr. Ct., July 13, 2000) *Dispositional Order*.

HCN Department of Housing, Property Management Division v. Phyllis McCloud, CV 00-02 (HCN Tr. Ct., July 13, 2000) *Order (Assessment of Damages)*. The Court assessed back rent and unpaid utilities against the defendant's per capita distribution.

Michael Price v. Ho-Chunk Casino Table Games, CV 00-33 (HCN Tr. Ct., July 14, 2000) *Order (Granting Motion for Summary Judgment)*. The Court determined that the defendant had properly terminated the plaintiff for his off-duty assault of a fellow employee.

In the Interest of Minor Child: S.V.P., DOB 11/06/96, JV 00-10 (HCN Tr. Ct., July 14, 2000) Order (Establishment of Child Support). The Court established child support, to be withheld from the mother's per capita distributions.

In re: Berdine Littlejohn, CV 98-14 (HCN Tr. Ct., July 18, 2000) Order (Accepting Accounting and Modifying Order).

Amelia Pike v. Majestic Pines Casino, CV 99-108 (HCN Tr. Ct., July 20, 2000) Order (Denial of Complaint). The Court determined that it could not order the reinstatement of the plaintiff as she had been insufficiently available for work and unable to fulfill her job duties at the time of her termination.

In the Interest of Minor Child: M.C.D., DOB 03/29/99, JV 99-11 (HCN Tr. Ct., July 21, 2000) Order (Appointment of Temporary Guardian of the Person).

Readonna Lei Wilson by Violet Vilbaum v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-44 (HCN Tr. Ct., July 26, 2000) Order (Petition Granted). The Court released money from Ms. Wilson's ITF account for household furniture, miscellaneous household items, and a trip to Florida.

In the Interest of Minor Child: P.C., DOB 04/25/89 by Victoria Cloud v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-69 (HCN Tr. Ct., July 28, 2000) Order (Petition Granted in Part). The Court granted the release of CTF funds for return travel to the family residence.

Sherri Mann v. Marlin Red Cloud, CV 96-36 (HCN Tr. Ct., July 28, 2000) Notice (Clarification and Amendment of Child Support Order). The Court amended the child support withholding to reflect that the oldest child will turn 18 in August and has completed a high school education.

In the Interest of Minor Child: D.J.P., DOB 07/26/83 by Loretta Patterson v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-47 (HCN Tr. Ct., July 28, 2000) Order (Petition Granted). The Court granted the release of CTF funds for the purchase of an automobile.

Ho-Chunk Nation Supreme Court:

Cheryl Smith v. Ho-Chunk Nation and Rainbow Casino, SU 00-07 (HCN S. St., July 14, 2000) Order (Denying Motion for Reconsideration). The Supreme Court denied the *Motion for Reconsideration* filed by the Ho-Chunk Nation and Rainbow Casino. The party failed to persuade the Court that an appealable issue had been presented.

Recent Filings

Ho-Chunk Nation Trial Court:

Ho-Chunk Nation Department of Housing, Property Management Division v. Truman H. Williams, Jr., CV 00-59, filed July 5, 2000.

Maureen E. Arnett v. Ho-Chunk Nation Department of Administration, CV 00-60, filed July 5, 2000.

State of Wisconsin v. Arnold R. Decorah, CS 00-32, filed July 5, 2000.

Victoria Cloud v. Tribal Aging Unit and Marie Donaldson, CV 00-61, filed July 10, 2000.

Ho-Chunk Nation Housing Authority v. William Goodbear, CV 00-63, filed July 14, 2000.

Ho-Chunk Nation Housing Authority v. Bernard Mountain, Jr. and Iris Lyons, CV 00-64, filed July 17, 2000.

Lisa S. Wathen v. Ho-Chunk Nation Gaming Commission, CV 00-65, filed July 17, 2000.

State of Wisconsin v. Robert Cleveland, CS 00-33, filed July 17, 2000.

HoCak Federal Credit Union v. Daniel and Karen WhiteEagle, CV 00-66, filed July 18, 2000.

HoCak Federal Credit Union v. Melinda and Ronnie Lee, CV 00-67, filed July 18, 2000.

Ho-Chunk Nation Department of Housing v. Jennifer Jones, CV 00-68, filed July 21, 2000.

Mollie White v. Ho-Chunk Nation Education Department, and Executive Director Scott Beard, CV 00-70, filed July 24, 2000.

In the Interest of Erica McCabe by Angela Mike v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-71, filed July 28, 2000.

Ho-Chunk Nation Supreme Court:

Sarah Dobbs v. Ho-Chunk Nation Department of Housing, Property Management Division, SU 00-10, filed July 24, 2000.

HCN Court Fees

Filing Fees	\$35.00
Service of Summons	!In
Person	\$15.00 (or cost if out of state) !By
Mail	\$4.00 (or cost, whichever is greater) !By
the Court	\$0.31 (per mile)
Copying	\$0.10/per page
Faxing	\$.25/per page (sending and receiving)
Tapes of Hearings	\$10.00/per tape
Deposition Videotape	\$10.00/per tape
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Equipment Rental	\$5.00/per hour
Register a Foreign Order	\$15.00
Appellate filing fees	\$35.00
Admission to Practice	\$50.00
Pro Hac Vice Appearance	\$35.00

Legal Citation Form

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Constitution, Article Number, Section, and Subsection.
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HCN Const., Art. II, Sec. (or ə) 1(a).

Ho-Chunk Nation Court System
P.O. Box 70
Black River Falls, WI 54615

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND PROCEDURE MANUAL, Ch. 12, Part B, p. 82.
CLAIMS AGAINST PER CAPITA, ə6.01(b).

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Case Name, Case No. (HCN S. Ct., month, day, year).
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Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).
In the Interest of Minor Child X, JV 95-047 (HCN Tr. Ct., May 23, 1994).

Rules of Civil Procedure

HCN. R. Civ. P. 19(B).



Ho-Chunk Nation Court Bulletin

Volume 6, Number 9

September 2000

Law Day and Fun Run 2000 a Success!

On Friday, September 1, 2000, the Court hosted Law Day. In attendance were the customary Department of Justice Tribal Attorneys and a Ho-Chunk Nation Bar member. The Court would like to thank the presenters and those that attended.

The Honorable Todd R. Matha, Associate Trial Judge, began the morning with a trial court update. He discussed several areas of law, including child support, Constitutional analysis, and employment law. The day continued with presentations by two Tribal Attorneys, Michael Murphy and Elaine Smith. Attorney Murphy gave an overview of the functions of the Department of Justice and talked about Ho-Chunk Nation "common law." As Attorney Smith occupies a new position within Housing, she explained who her clients are, and what type of work she does.

After a short break, Staff Attorney Katherine Kruger distributed the comments (continued on page 2, column 1)

Court News

- The Ho-Chunk Nation Supreme Court will meet on Saturday, September 16, 2000 at 9:00 a.m. at the courthouse. At that time, they intend to discuss the possible revisions for the *Ho-Chunk Nation Rules of Civil Procedure*. Specifically, they intend to take up suggested revisions for Rules 1 through 28. The Supreme Court invites members of the Ho-Chunk Nation Bar to attend and provide further comment on the revisions.
- The Ho-Chunk Nation Supreme Court will meet on Saturday, October 14, 2000 at 9:00 a.m. at the courthouse. Again, the focus of that meeting will be the proposed revisions to the *Ho-Chunk Nation Rules of Civil Procedure*, beginning with Rule 29, and members of the Ho-Chunk Nation Bar are invited to attend to provide further comment.



- The Court would like to remind Ho-Chunk Nation Bar members that bar dues were due on July 1, 2000. If you have not paid your dues, please remit your dues to avoid potential negative consequences.

INSIDE THIS ISSUE

- 1** Law Day and Fun Run 2000 a Success
- 1** Court News
- 2** Recent Decisions
- 6** Recent Filings
- 6** Other News
- 7** Practice Tips
- 7** Foreign Court Decisions
- 8** HCN Court Fees
- 8** Legal Citation Form

from the Chief Justice of the Supreme Court, who was unfortunately unable to attend. The Supreme Court hopes to finish a revision of the *Rules of Civil Procedure* by the end of the calendar year. At this time, they have scheduled two Supreme Court meetings to address the rule revisions, and invite Bar members to attend. For more information on these meetings, see the Court News section.

Staff Attorney Katherine Kruger then led a discussion on two recently enacted pieces of legislation, the PUBLIC NUISANCE ACT OF 2000 and the DOMESTIC ABUSE ACT OF 2000. An overview of the acts was provided, and a discussion of the specific provisions followed. Helpful insights were gained from this discussion period.

The Fun Run was held on Saturday, September 2, 2000 at the courthouse. Twenty participants participated in the Run. The marathon runners were out in force, and made for some fierce competition. The winners were as follows:

For mens (overall):

First – Kric Pettibone

Second – Jordan Vidana

Third – Cody Murphy

For womens (overall):

First – Pauline Lucero

Second – Katie Funmaker-Matha

Third – Amber Dowling

The Court would like to congratulate the winners, and the participants, for a race well run.#



Recent Decisions

Ho-Chunk Nation Trial Court:

Gerald F. Conley v. Christopher Cloud and Becky, and Diane Cloud Peterson, CV 00-37 (HCN Tr. Ct., Aug. 2, 2000) Order (Default

Judgment). The Court granted the requested relief against the properly served defendants. The defendants failed to file an *Answer* as required by the *Ho-Chunk Nation Rules of Civil Procedure*.

Lynda Broschardt v. Rainbow Casino, CV 99-109 (HCN Tr. Ct., Aug. 3, 2000) Order (Granting Telephonic Appearance).

Ho-Chunk Nation Department of Housing, Home Ownership Program v. Mick Boardman d/b/a T & Son's General Contractors, CV 99-107 (HCN Tr. Ct., Aug. 3, 2000) Order (Granting Extension of Discovery Period and Denying Motion for Default Judgment). The Court denied the plaintiff's Motion for Default Judgment as the defendant had filed a document that could be reasonably construed as an Answer. The Court extended the discovery period in furtherance of the express policy "to favor open discovery of relevant material as a way of fostering full knowledge of the facts relevant to a case" so as to "encourage settlement, promote fairness and further justice." See *Ho-Chunk Nation Rules of Civil Procedure*, Chapter 5, Introduction.

In the Interest of Minor Child: N.J.O., DOB: 02/19/84, JV 00-16 (HCN Tr. Ct., Aug. 4, 2000) Order (Continuation of Trial).

State of Wisconsin (Eileen J. Link) v. Mahlon Funmaker a/k/a De Forrest Funmaker, CV 97-151 (HCN Tr. Ct., Aug. 4, 2000) Order (Granting Motion to Amend and Altering Child Support Enforcement). The Court enforced the underlying amended State Court Order for child support against the respondent's per capita distributions.

In the Interest of Minor Children: J.L. W., DOB 10/12/89 and J.A.C., DOB 08/01/92, JV 99-23 and JV 99-24 (HCN Tr. Ct., Aug. 4, 2000) Order (Child Protective Review Hearing).

State of Wisconsin, Jackson County v. James L. Pettibone, CS 00-07 (HCN Tr. Ct., Aug. 4, 2000) *Notice of Child Turning 18*.

In the Matter of the Child: J.D.J., DOB: 12/18/86, JV 98-19 (HCN Tr. Ct., Aug. 7, 2000) *Order (Show Cause)*.

In the Interest of Minor Child: T.B., DOB 07/02/86, JV 00-17 (HCN Tr. Ct., Aug. 7, 2000) *Order (Appointment of Permanent Guardian of the Person)*.

In the Interest of Minor Children: D.J.H., DOB 11/04/88 and *E.T.H.*, DOB 12/19/91, JV 00-12 and JV 00-13 (HCN Tr. Ct., Aug. 8, 2000) *Order (Dispositional Requirements and Continued Supervision)*.

Michelle Decorah v. Irene Keenan, Child Care Assistance Program, Department of Social Services, CV 00-51 (HCN Tr. Ct., Aug. 8, 2000) *Order (Show Cause Dismissal)*.

Ho-Chunk Nation Department of Housing, Property Management Division v. Francina Williams, CV 00-45 (HCN Tr. Ct., Aug. 8, 2000) *Order (Accepting Voluntary Dismissal)*.

In the Matter of the Children: H.D.J., DOB: 11/25/88 and *S.M.J.*, DOB: 11/25/88, JV 98-20 and JV 98-21 (HCN Tr. Ct., Aug. 9, 2000) *Order (Show Cause)*.

In the Interest of Minor Child: S.L.S., DOB 10/03/86, JV 00-19 (HCN Tr. Ct., Aug. 9, 2000) *Order (Entrance of Plea)*.

In the Interest of Minor Child: D.M.S.T., DOB 07/01/83 by *Roxanne Tallmadge-Johnson v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-14 (HCN Tr. Ct., Aug. 10, 2000) *Order (Demand for Accounting)*. The Court had previously granted the release of CTF monies for the health, education, and/or welfare of the minor child. In its April 13, 2000 release, it had required Roxanne Tallmadge-Johnson to file an accounting within two months. The required accounting is now late and must be filed no later than Aug. 23, 2000.

August 23, 2000.

In the Interest of Minor Child: B.B.B., DOB 02/03/86 by *Leanne Burnstad v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-12 (HCN Tr. Ct., Aug. 10, 2000) *Order (Demand for Accounting)*. The Court had previously granted the release of CTF monies for the health, education, and/or welfare of the minor child. In its March 15, 2000 release, it had required Leanne Burnstad to file an accounting within two months. The required accounting is now late and must be filed no later than Aug. 23, 2000.

In the Interest of Mercedes L. Blackcoon by Dale G. Hazard v. Ho-Chunk Nation Office of Tribal Enrollment, CV 96-78 (HCN Tr. Ct., Aug. 10, 2000) *Order (Demand for Accounting)*. The Court had previously granted the release of CTF monies for the health, education, and/or welfare of the minor child. In its March 21, 2000 release, it had required Dale Hazard to file an accounting within two months. The required accounting is now late and must be filed no later than Aug. 23, 2000.

In the Interest of Minor Child: R.E.C., DOB 09/15/82 by *Excilda Bird v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 99-67 (HCN Tr. Ct., Aug. 10, 2000) *Order (Demand for Accounting)*. The Court had previously granted the release of CTF monies for the health, education, and/or welfare of the minor child. In its December 13, 1999 release, it had required Excilda Bird to file an accounting within four months. The required accounting is now late and must be filed no later than Aug. 23, 2000.

In the Interest of Minor Children: L.M., DOB 01/08/92 and *K.M.*, DOB 04/09/93, JV 98-14 and JV 98-15 (HCN Tr. Ct., Aug. 10, 2000) *Order (Contempt Fines)*.

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Service of Summons	!In
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Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

In the Interest of Minor Child X, JV 95-047 (HCN Tr. Ct., May 23, 1994).

Rules of Civil Procedure

HCN. R. Civ. P. 19(B).



Joelene Smith v. Scott Beard, as Director of Ho-Chunk Nation Department of Education and the Ho-Chunk Nation, CV 96-94 (HCN Tr. Ct., Aug. 10, 2000) *Judgment*. The Court dealt with the damages issues as presented at the March 22, 2000 *Trial*. The Court found that the plaintiff was owed Administrative Leave with Pay up until the time the second appeal began. During appeal, such pay was barred by the *Order* of the Supreme Court. After the appeal, the time was too remote to the initial injury to allow such pay. The Court denied her claim for paid sick and annual leave as the plaintiff had already received Administrative Leave with Pay, and the plaintiff cannot receive two kinds of paid leave for the same time. The Court denied her claim for unpaid medical bills as no such bills had ever been offered into evidence. The Court denied her claim for \$2,000 per job not offered as barred by the ruling in *Simplot, Severson, and Ravet v. Ho-Chunk Nation* in August of 1999. The Court denied the request for Lay Advocate fees, but allowed the plaintiff to file a *Motion* for costs within 30 days. The Court denied her claim for an unquantified amount of damages for failure to promptly remove the negative inferences from her personnel file as there was no proof any harm occurred, and she is now the custodian of those records.

Helen Harden v. Ho-Chunk Nation Social Services and ICW/CFS, CV 00-04 and CV 00-05, (HCN Tr. Ct., Aug. 11, 2000) *Order Granting Access to Juvenile Files*.

In the Interest of Minor Children: K.M., DOB 04/09/93 and L.M., DOB 01/08/92, JV 98-15 and JV 98-14 (HCN Tr. Ct., Aug. 17, 2000) *Order (Appointment of Guardian ad Litem)*.

Lewis Frogg v. Ho-Chunk Casino, CV 99-73 (HCN Tr. Ct., Aug. 18, 2000) *Judgment*. The Court determined that the defendant had not

acted arbitrarily or capriciously in its decision to terminate the plaintiff. The Court further found that the defendant was estopped from arguing that the plaintiff failed to strictly follow the grievance procedure when the Nation itself failed to follow the grievance procedure.

Roger Wallace v. Renae Perez, CS 00-29 (HCN Tr. Ct., Aug. 18, 2000) *Order (Granting Telephonic Appearance)*.

State of Wisconsin/Sauk County and Brenda J. Serba v. Joshua W. Steindorf, CS 00-31 (HCN Tr. Ct., Aug. 18, 2000) *Order (Enforcing Child Support)*. The Court enforced the State Court Order for child support against the respondent's per capita distributions.

State of Wisconsin v. Tricia R. Stabler, CV 96-92 (HCN Tr. Ct., Aug. 18, 2000) *Order (Cease Withholding Child Support)*.

In the Interest of the Minor Child: G.V., DOB: 09/07/87 by Stephanie Vega v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-26 (HCN Tr. Ct., Aug. 18, 2000) *Order (Accepting Accounting)*.

State of Wisconsin, Columbia County v. Mari L. Hence, CS 00-18, (HCN Tr. Ct., Aug. 18, 2000) *Order (Amending Child Support Withholding for Arrears)*.

In the Interest of Kathy Brandenburg (Miller) v. Ho-Chunk Nation Office of Tribal Enrollment, CV 98-18 (HCN Tr. Ct., Aug. 18, 2000) *Order (Releasing ITF Monies)*.

Joyce Funmaker on Behalf of: S.Q.F., DOB: 11/30/88, B. R. F., DOB: 09/08/87, and L.L.F., DOB: 11/26/85 v. Ho-Chunk Nation Office of Tribal Enrollment, CV 99-50, CV 99-51, and CV 99-52 (HCN Tr. Ct., Aug. 18, 2000) *Order (Accepting Accounting)*.

Jane Doe v. Ho-Chunk Nation Justice Department – Compliance Division, CV 00-23 (HCN Tr. Ct., Aug. 22, 2000) *Judgment*. The Court determined that the phrase “Alternative Medical Explanation” as used in the Compliance Division’s Internal Policies and Procedure Manual and the Medical Review Officer Agreement, is an explanation that a positive test result stems from ingesting a legally prescribed medication. As the plaintiff had ingested a medication prescribed for her friend, she must face the discipline enumerated within the HO-CHUNK NATION DRUG AND CONTROLLED SUBSTANCES POLICY AND PROCEDURE.

In Re: Bruce Patrick O’Brien by Elethe Nichols, Guardian v. Ho-Chunk Nation Enrollment Department, CV 96-46 (HCN Tr. Ct., Aug. 22, 2000) *Order (Release of Funds)*.

In the Matter of the Child: A.B.B.J., DOB 01/22/92, CV 99-85 (HCN Tr. Ct., Aug. 24, 2000) *Order (Denying Request for CTF Funds)*. The Court denied a request for CTF funds that were to be used to hire a lawyer for a custody battle against the other parent.

Terry Lafler v. Sherry Kirkland, CS 00-34 (HCN Tr. Ct., Aug. 24, 2000) *Order (Granting Child Support Enforcement)*. The Court granted enforcement of a State Court Order for child support against the respondent’s per capita distributions.

In the Interest of the Minor Child: J.D.R., DOB 12/03/91, CU 93-02 (HCN Tr. Ct., Aug. 24, 2000) *Order (Granting Transfer)*.

In the Interest of Minor Child: S.L.S., DOB 10/03/86, JV 00-19 (HCN Tr. Ct., Aug. 29, 2000) *Order (Granting Motion to Appear Telephonically)*.

In the Interest of Minor Child: A.J.H., DOB 09/13/81 by Tara Snowball v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-11

(HCN Tr. Ct., Aug. 29, 2000) *Order (Demand for Accounting)*. The Court had previously granted the release of CTF monies for the health, education, and/or welfare of the minor child. In its March 20, 2000 release, it had required Tara Snowball to file an accounting within two months. The required accounting is now late and must be filed no later than Sept. 12, 2000.

State of Wisconsin, Jackson County v. Henry Whitethunder, CV 97-86 (HCN Tr. Ct., Aug. 29, 2000) *Order (Amending Child Support)*.

In the Interest of Minor Child: A.N., DOB 06/19/82 by Lucinda Naquayouma v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-20 (HCN Tr. Ct., Aug. 29, 2000) *Order (Demand for Accounting)*. The Court had previously granted the release of CTF monies for the health, education, and/or welfare of the minor child. In its April 3, 2000 release, it had required Lucinda Naquayouma to file an accounting within one month. The required accounting is now late and must be filed no later than Sept. 12, 2000.

Ho-Chunk Nation Housing Authority v. Bernard Mountain, Jr. and Iris Lyons, CV 00-81 (HCN Tr. Ct., Aug. 30, 2000) *Temporary Restraining Order*.

Ho-Chunk Nation Supreme Court:

Ho-Chunk Nation Department of Housing, Property Management Division v. Charles C. Brown and Simone I. Brown, SU 00-11, (HCN S. Ct., Aug. 18, 2000) *Denial of Appeal Request*. The Court denied the appellants *Notice of Appeal* for failure to timely file. The Trial Court *Judgment* gave the appellants adequate notice of the filing deadline.

Recent Filings

Ho-Chunk Nation Trial Court:

In the Interest of Patricia and Christeena White by Betty Jo White, CV 00-72, filed August 4, 2000.

State of Wisconsin and Chrystal L. Monteen-Martin v. Ronald David Martin, CS 00-35, filed August 7, 2000.

Samantha Casarez v. Edward Decorah, CS 00-36, filed August 7, 2000.

In the Interest of Joanna and Richard White by Patricia White, CV 00-73, filed August 10, 2000.

Ho-Chunk Nation Department of Housing, Property Management Division v. Kerry M. Funmaker, Sr., CV 00-74, filed August 15, 2000.

Ho-Chunk Nation Department of Housing, Home Ownership Program v. Estate of Ida Marion Whitebear, CV 00-75, filed August 22, 2000.

In the Interest of T.L.S., DOB 07/01/86 by Lucy K. Snake v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-76, filed August 24, 2000.

In the Interest of K.C.C., DOB 09/16/89 by Phyllis Smoke, CV 00-77, filed August 25, 2000.

Mollie White v. Ho-Chunk Nation Department of Education, Jeremy Rockman, Sheryl Cook, and Fran Kernes, CV 00-78, filed August 25, 2000.

Mollie White v. Ho-Chunk Nation Department of Education, Jeremy Rockman, Sheryl Cook, and Fran Kernes, CV 00-79, filed August 25, 2000.

In the Interest of Lucinda Tudahl by Bluffland Conservators and Guardians, Inc., CV 00-80, filed August 25, 2000.

Ho-Chunk Nation Housing Authority v. Bernard Mountain, Jr. and Iris Lyons, CV 00-81, filed August 29, 2000.

In the Interest of Kirsten Day by Karena Day v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-82, filed August 29, 2000.

State of Wisconsin v. Ted L. Brown, CS 00-37, filed August 29, 2000.

State of Wisconsin v. Mark A. Thundercloud, CS 00-38, filed August 30, 2000.

Nellie M. Peoples v. Mark S. Houghton, CS 00-39, filed August 31, 2000.

Ho-Chunk Nation Supreme Court:

Ho-Chunk Nation Department of Housing, Property Management Division v. Charles C. Brown and Simone I. Brown, SU 00-11, filed August 4, 2000.

Ho-Chunk Nation Housing Authority v. William Goodbear, SU 00-12, filed August 29, 2000.



Other News

Bureau of Indian Affairs Assistant Secretary Kevin Gover has announced his intent to resign his position in November. (source: August 11, 2000 *Native American Report*, Vol. 5, No. 16, p. 151)



Practice Tips

- The Court has learned that the Ho-Chunk Nation Legislature is working on a codification of the Ho-Chunk Nation Codes. For instance, the two recently enacted codes, the PUBLIC NUISANCE ACT OF 2000 and the DOMESTIC ABUSE ACT OF 2000, have a different type of citation. The PUBLIC NUISANCE ACT OF 2000 is to be cited as: 3 HCC § 2 (2000). The DOMESTIC ABUSE ACT OF 2000 is to be cited as: 4 HCC § 5 (2000). Practitioners should watch for more codification as it occurs.
- The Ho-Chunk Nation Supreme Court also hopes to have the *Rules of Civil Procedure* revised by the end of the calendar year. Practitioners should watch for these revisions so they can continue to practice within the *Rules*.
- The Trial Court is planning to set up a Guardian ad Litem training here in Black River Falls, Wisconsin. A Guardian ad Litem is appointed by the Court in children's cases to represent the best interests of the child. If any of you are interested in receiving this training, please contact Staff Attorney Katherine Kruger at 284-2722 or 1-800-434-4070. She can then provide you with the relevant information about dates and times after planning is completed.

Foreign Court Decisions

United States Court of Appeals for the Eighth Circuit:

Douglas F. Longie v. Myra Pearson, et. al, No. 99-4142D, *unpublished*, Apr. 21, 2000 (27 IND. L. REP. 2115). Mr. Longie had been removed from his position as Chief Judge of the Spirit Lake Sioux Tribal Court. He alleged that his removal violated tribal law, the Tribe's Constitution, and federal law. The district court had dismissed his suit against some Spirit Lake Sioux Tribe Council members. Mr. Longie appealed. The Court of Appeals upheld the dismissal. Mr. Longie had failed to exhaust his tribal remedies prior to coming to federal district court as required by *Iowa Mutual Insurance Company v. LaPlante*, 480 U.S. 9 (1987) and *National Farmers Union v. Crow Tribe of Indians*, 471 U.S. 845 (1985).

United States Court of Appeals for the Federal Circuit:

Little Six, Inc., et. al. v. United States, No 99-5083 (Apr. 24, 2000) (27 IND. L. REP. 2124). Little Six is a wholly-owned corporation of the Shakopee Mdewakanton Sioux. From 1986 to 1992, it paid federal excise taxes and related occupational taxes on gaming operations conducted on their reservation under protest. It filed a claim for a refund in the United States Court of Federal Claims, arguing that those taxes did not apply to wagers on "pull-tab" games because they were not "state authorized." The U. S. Court of Federal Claims denied their claim, and Little Six, Inc. appealed. The United States Court of Appeals for the Federal Circuit reversed the U.S. Court of Federal Claims. The appeals court concluded that these pull-tab games are exempt from federal wagering taxes under Chapter 35 of the Internal Revenue Code, as it must be applied to Indian gaming in the same manner as it does to state gaming.

Ho-Chunk Nation Court Bulletin

Volume 6, Number 10

October 2000

Court Plans Guardian ad Litem Training

On November 30, 2000 and December 1, 2000, there will be a court-sponsored guardian ad litem training open to people interested in doing guardian ad litem work for the Court. The training is free to tribal members. A guardian ad litem appearing before the Ho-Chunk Nation Courts need not be an attorney or lay advocate. The judiciary only requires that the individual successfully participate in guardian ad litem training.

A guardian ad litem performs a valuable function in children's cases (either in the Child/Family Protection or guardianship context). It is their job to interview the people involved with the case, including the child(ren), do other investigation as necessary, and provide a recommendation of what is in the best interests of the child(ren) to the Court.

Being a guardian ad litem is one way to get involved in the community and attempt to make a difference in the lives of Ho-Chunk

children. Children are the future of the Nation, and guardian ad litem assist the Court in helping these children grow up in strong, healthy families.

Guardian ad litem are eligible to (continued page 2, column 1)

Court News

- The Ho-Chunk Nation Supreme Court will meet on Saturday, October 14, 2000 at 9:00 a.m. at the courthouse. One of the things on the agenda is a discussion of the *Ho-Chunk Nation Rules of Civil Procedure* revisions, specifically Rule 30 to the end. The Supreme Court invites Ho-Chunk Nation bar members to attend and provide their insight as practitioners under the rules.



- Stephanie Littlegeorge, former Administrator of the Office of Public Advocacy, has left that position for employment in the Executive building. Her ability to assist members with Judicare applications and coverage questions will be missed. Keep an eye on the job postings if you are interested in applying for this position.
- The Court would like to extend a warm welcome to LTE Supreme Court Clerk Missy Elk. She is very ably filling this position while the Supreme Court conducts its search for a new clerk.

INSIDE THIS ISSUE

- 1 Court Plans Guardian ad Litem Training
- 1 Court News
- 2 Recent Decisions
- 6 Recent Filings
- 7 Practice Tip
- 7 Jurisdiction After *Steindorf*
- 7 Other News
- 8 HCN Court Fees
- 8 Legal Citation Form

receive a small stipend of \$250 per case for their efforts. They are also reimbursed for their costs such as mileage, phone calls, and copying.

If you are interested in attending the guardian ad litem training, please call Staff Attorney Katherine Kruger at 1-800-424-4070. If you know someone who might be interested, please share this information with them and encourage them to call for more information.



Recent Decisions

Ho-Chunk Nation Trial Court:

Ho-Chunk Nation Department of Housing, Home Ownership Program v. Mick Boardman d/b/a T & Son's General Contractors, CV 99-107 (HCN Tr. Ct., Sept. 1, 2000). Order (Denying Motion for Reconsideration).

Libby Fairchild v. Ho-Chunk Nation Legislature, CV 00-55 (HCN Tr. Ct., Sept. 5, 2000) Order (Motion Hearing).

Michele M. Ferguson v. Ho-Chunk Nation Insurance Review Commission/Division of Risk Management, CV 99-20 (Sept. 5, 2000) Opinion on Remand. The Court found that the PERSONNEL POLICIES AND PROCEDURES MANUAL applied to this worker's compensation case as worker's compensation is listed within the PPM as a mandatory benefit. In addition, the Court found that the claim was subject to the limited waiver of sovereign immunity, providing a mechanism to order lost wages and benefits.

Patrick O'Leary v. Ho-Chunk Casino (Slots Floor Department), CV 00-28 (Sept. 6, 2000) Order (Motion Hearing and Partial Denial of Motion to Dismiss).

Ho-Chunk Nation Department of Justice v.

Ho-Chunk Nation Gaming Commission and Gaming Commissioners, Erv Funmaker, Angie Waege, Greg Garvin, Sharon Whitebear, in their individual and official capacities, CV 00-58 (HCN Tr., Ct., Sept. 6, 2000). Order (Voluntary Dismissal with Prejudice).

Joelene Smith v. Scott Beard as Director of the Department of Education and the Ho-Chunk Nation, CV 96-94 (HCN Tr. Ct., Sept. 6, 2000). Motion for Reconsideration (Denied).

In the Interest of Minor Children: K.M. DOB 04/09/93 and L.M. DOB 01/08/92, JV 98-15 and JV 98-14 (HCN Tr. Ct., Sept. 6, 2000). Dispositional Order Extension.

Rachel M. Puzon v. Ken WhiteHorse, Executive Administrative Officer and Jacob LoneTree, President, CV 00-29 (HCN Tr. Ct., Sept. 6, 2000). Order (Voluntary Dismissal Without Prejudice).

In the Matter of the Children: H.D.J., DOB: 11/25/88, S.M.J., DOB: 11/25/88, and J.D.J. Jr., DOB 12/18/86, JV 98-20, JV 98-21, and JV 98-19. Minute Order.

Melinda A. Lee v. Majestic Pines Casino, Marketing Department, CV 99-91 (HCN Tr. Ct., Sept. 7, 2000). Order (Dismissal with Prejudice).

Rich Sanders v. Ho-Chunk Nation Business Department, CV 99-84 (HCN Tr. Ct., Sept. 7, 2000). Order (Postponement of Pre-Trial Conference).

Ho-Chunk Nation Housing Authority v. William Goodbear, CV 00-63 (HCN Tr. Ct., Sept. 7, 2000). Order (Denying Motion Opposing Stay of Writ of Restitution).

Debra Knudson v. Ho-Chunk Nation Treasury Department, CV 97-70 (HCN Tr. Ct., Sept. 8, 2000). Notice (Intention to Close File).

Melissa Smith v. Paul C. Smith, CV 96-79 (HCN Tr. Ct., Sept. 8, 2000). Order (Amending Child Support Order). The Court sua sponte amended the child support obligation of the defendant in light of the eldest child turning 19 and no longer being eligible for child support under Wisconsin law.

In the Interest of Minor Children: P.L.H., DOB 10/24/84 and E.J.H., DOB 08/28/85, JV 00-02 and JV 00-03 (HCN Tr. Ct., Sept. 8, 2000). Order (Granting Continuance of Child Protection Review Hearing).

In the Interest of Minor Child: D.J.P., DOB 07/26/83 by *Loretta Patterson v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-47 (HCN Tr. Ct., Sept. 8, 2000). Order (Accepting Accounting).

In the Interest of Minor Child: A.J.H., DOB 09/13/81 by *Tara Snowball, v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-11 (HCN Tr. Ct., Sept. 8, 2000). Order (Accepting Accounting).

In the Interest of Brandon R. Gensler by *Murrie Gensler v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-24 (HCN Tr. Ct., Sept. 8, 2000). Order (Accepting Accounting).

In the Interest of Minor Child: B.B.B., DOB 02/03/86 by *Leanne Burnstad v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-12 (HCN Tr. Ct., Sept. 8, 2000). Order (Accepting Accounting).

In the Interest of Minor Child: M.B.H., DOB 07/17/89 by *Mary K. Henderson v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-22 (HCN Tr. Ct., Sept. 8, 2000). Order (Accepting Accounting).

In the Interest of Minor Child: C.J.W., DOB 01/03/84 by *Anne Johnson v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 99-68 (HCN Tr. Ct., Sept. 8, 2000). Order (Accepting Accounting).

In the Interest of Minor Child: R.E.C., DOB 09/15/82 by *Excilda Bird v. Ho-Chunk Nation*

Office of Tribal Enrollment, CV 99-67 (HCN Tr. Ct., Sept. 8, 2000). Order (Accepting Accounting).

In the Interest of Mercedes L. Blackcoon: by Dale G. Hazard v. Ho-Chunk Nation Office of Tribal Enrollment, CV 96-78 (HCN Tr. Ct., Sept. 8, 2000). Order (Accepting Accounting).



In the Interest of Minor Child: M.B.H., DOB 07/17/89 by *Mary K. Martinson v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-22 (HCN Tr. Ct., Sept. 8, 2000). Order (Accepting Accounting).

In the Interest of Minor Child: M.B.M., DOB 09/09/98, JV 00-11 (HCN Tr. Ct., Sept. 11, 2000). Order (Appointment of Permanent Guardian of the Person).

In the Interest of Minor Child: N.J.O., DOB 02/19/84, JV 00-16 (HCN Tr. Ct., Sept. 12, 2000). Order (Default Judgment).

In the Interest of Minor Children: P.J.H., DOB 10/24/84 and E.J.H., DOB 08/28/85, JV 00-02 and JV 00-03 (HCN Tr. Ct., Sept. 15, 2000). Order (Appointment of Guardian ad Litem).

State of Wisconsin and Patricia Houghton v. Dixon Funmaker, CS 98-68 and *In the Interest of Minor Children: D.H.F., DOB 09/26/96 and A.V.F., DOB 03/26/98*, JV 99-07 and JV 99-08 (HCN Tr. Ct., Sept. 15, 2000). Order (Amending Enforcement of Child Support). The Court imposed withholding for back child support in Case No. CS 98-68 based upon the documentation provided by the county child support agency.

State of Wisconsin/Jackson County v. Morgan Decorah, CV 97-68 and *State of Wisconsin/Jackson County v. Morgan*

HCN Court Fees

Filing Fees	\$35.00
Service of Summons	!In
Person	\$15.00 (or cost if out of state) !By
Mail	\$4.00 (or cost, whichever is greater) !By
the Court	\$0.325 (per mile)
Copying	\$0.10/per page
Faxing	\$0.25/per page (sending and receiving)
Tapes of Hearings	\$10.00/per tape
Deposition Videotape	\$10.00/per tape
Certified Copies	\$0.50/per page
Equipment Rental	\$5.00/per hour
Register a Foreign Order	\$15.00
Appellate filing fees	\$35.00
Admission to Practice	\$50.00
Pro Hac Vice Appearance	\$35.00

Legal Citation Form

Below are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, and Subsection.

HCN CONST., ART. XI, Sec. (or ə) 7.

HCN Const., Art. II, Sec. (or ə) 1(a).

Ho-Chunk Nation Court System

P.O. Box 70

Black River Falls, WI 54615

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND PROCEDURE MANUAL, Ch. 12, Part B, p. 82.
CLAIMS AGAINST PER CAPITA, ə6.01(b).

HCN Supreme Court Case Law

Case Name, Case No. (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).
Smith v. Casino, SU 94-11 *Order* (HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).
In the Interest of Minor Child X, JV 95-047 (HCN Tr. Ct., May 23, 1994).

Rules of Civil Procedure

HCN. R. Civ. P. 19(B).



Decorah, CS 98-78 and *State of Wisconsin/Shawano County v. Morgan Decorah*, CS 99-77 (HCN Tr. Ct., Sept. 15, 2000). *Order (Impounding Child Support)*. The Court impounded the child support previously ordered in Case No. CS 99-77 to allow Shawano County an opportunity to explain a document filed recently with the Ho-Chunk Nation Department of Treasury.

In the Interest of Minor Child: K.C.C., DOB 09/16/89 by Phyllis Smoke v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-77 (HCN Tr. Ct., Sept. 15, 2000). *Order (Petition Granted)*. The Court granted the release of CTF funds for orthodontic treatment for the child.

HocOk Federal Credit Union v. Melinda and Ronnie Lee, CV 00-67 (HCN Tr. Ct., Sept. 15, 2000). *Order (Default Judgment)*. The Court ordered the defendants to pay the balance of their defaulted loan, plus the costs of bringing this action.

Ho-Chunk Nation Department of Housing, Property Management Division v. Lionel Pettibone Sr. and Sharon Pettibone, CV 00-49 (HCN Tr. Ct., Sept. 15, 2000). *Order (Default Judgment)*. The Court ordered unpaid rent and unpaid utility bills to be withheld from the defendants' per capita distributions.

Ho-Chunk Nation Department of Housing, Property Management Division v. Truman H. Williams, Jr., CV 00-59 (HCN Tr. Ct., Sept. 15, 2000). *Order (Default Judgment)*. The Court ordered unpaid rent and unpaid utility bills to be withheld from the defendant's per capita distributions.

Ho-Chunk Nation Department of Housing, Property Management Division v. Gloria Visintin, CV 98-62 (HCN Tr. Ct., Sept. 18, 2000). *Order (Satisfaction of Judgment)*.

John Goodbear v. Ho-Chunk Nation, CV 00-41 (HCN Tr. Ct., Sept. 18, 2000). *Order (Dismissal with Prejudice)*.

State of Wisconsin, Jackson Co. v. Brent M. Funmaker, CV 97-18 (HCN Tr. Ct., Sept. 18, 2000). *Judgment (Reinstating Withholding)*. The Court reinstated withholding from the defendant's per capita distributions for child support.

State of WI/Sauk Co. and Crystal L. Monteen-Martin v. Ronald David Martin, CS 00-35 (HCN Tr. Ct., Sept. 18, 2000). *Judgment (Enforcing Child Support)*. The Court entered an order to withhold child support from the respondent's per capita distributions.

In re the Support of Maynard B. Funmaker, Jr. and Michael A. Funmaker, State of Wisconsin on behalf of Sauk Co. Dept. of Human Services v. Jeanette Decorah, CS 00-10 (HCN Tr. Ct., Sept. 18, 2000). *Order (Suspending Withholding)*.

State of Wisconsin/Jackson Co. v. Robert Cleveland, CS 00-33 (HCN Tr. Ct., September 18, 2000). *Judgment (Enforcing Child Support)*. The Court entered an order to withhold child support from the respondent's per capita distributions.



Michelle Decorah v. Irene Keenan, Child Care Assistance Program, Department of Social Services, CV 00-51 (HCN Tr. Ct., Sept. 18, 2000). *Order (Dismissal with Prejudice)*.

In the Interest of Minor Child: D.M.S.T., DOB 07/01/83 by Roxanne Tallmadge-Johnson v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-14 (HCN Tr. Ct., Sept. 18, 2000). *Order (Accepting Accounting)*.

Ho-Chunk Nation v. Ross Olsen, CV 99-81 (HCN Tr. Ct., Sept. 18, 2000). *Judgment*. The Court ordered the defendant to return a

down payment to the Nation after the defendant failed to deliver goods.

Jeanette M. Lieb v. Annette R. Littlewolf, St. Paul Branch Coordinator, and the Ho-Chunk Nation, CV 99-15 (HCN Tr. Ct., Sept. 19, 2000). Notice (Intent to Close).

In re: Bruce Patrick O'Brien by Elethe Nichols, Guardian v. Ho-Chunk Nation Office of Tribal Enrollment, CV 96-46 (HCN Tr. Ct., Sept. 20, 2000). Order (Release of Funds).

State of WI/Jackson Co. v. Mark A. Thundercloud, CS 00-38 (HCN Tr. Ct., Sept. 20, 2000). Order (Enforcing Child Support). The Court entered an order to withhold child support from the respondent's per capita distributions.

Ho-Chunk Nation Department of Housing, Property Management Division v. Jennifer A. Jones, CV 00-68 (HCN Tr. Ct., Sept. 21, 2000). Judgement (Stayed).

Ho-Chunk Nation Department of Housing, Property Management Division v. Jamie L. Funmaker, CV 99-92 (HCN Tr. Ct., Sept. 21, 2000). Order (Permitting Amended Complaint).

Nellie M. Peoples v. Mark S. Houghton, CS 00-39 (HCN Tr. Ct., Sept. 21, 2000). Default Judgment (Enforcing Child Support). The Court entered an order to withhold child support from the defendant's per capita distributions.

In the Interest of Minor Child: S.J.R., DOB 03/31/99, JV 00-01 (HCN Tr. Ct., Sept. 22, 2000). Order (Requesting Action of the Legal Guardian).

In the Interest of Minor Children: P.L.H., DOB 10/24/84 and E.J.H., DOB 08/28/85, JV 00-21 and JV 00-22 (HCN Tr. Ct., Sept. 22, 2000). Order (Initial Emergency Hearing).

In the Interest of the Minor Child: K.D., DOB: 02/06/87 by Karena Day v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-82 (HCN Tr. Ct., Sept. 25, 2000). Order (Granting CTF Funds for Orthodontics).

In the Interest of Minor Child: S.L.S., DOB 01/03/86, JV 00-19 (HCN Tr. Ct., Sept. 26, 2000). Order (Establishment of Child Support).

Margaret G. Garvin v. Donald Greengrass, CV 00-10 and Margaret G. Garvin v. Ho-Chunk Nation and Donald Greengrass in his official and individual capacity, and Evans Littlegeorge in his individual capacity, CV 00-38 (HCN Tr. Ct., Sept. 26, 2000). Order (Granting Motion to Consolidate).

In the Interest of Adult Incompetent: M.B.J., DOB 12/01/65 by Dolli Big John v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-83 (HCN Tr. Ct., Sept. 26, 2000). Order (Petition Granted). The Court granted the release of funds from the ITF account for household necessities.

Ho-Chunk Nation Department of Housing, Home Ownership Program v. Jerome Marshall Cloud, CV 00-46 (HCN Tr. Ct., Sept. 27, 2000). Order. The Court granted the plaintiff's request to terminate the defendant's lease.

In the Interest of the Minor Children: J.W., DOB 05/09/87 and R.W., DOB 11/02/84 by Patricia White v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-73 (HCN Tr. Ct., Sept. 27, 2000). Order (Dismissing Case).

In the Interest of Minor Child: N.J.O., DOB 02/19/84, JV 00-16 (HCN Tr. Ct., Sept. 27, 2000). Order (Dispositional Requirements).

In the Interest of Minor Child: N.J.O., DOB 02/19/84, JV 00-16 (HCN Tr. Ct., Sept. 28, 2000). Order (Establishment of Child Support).



Recent Filings

James Pieters v. Jean Blackhawk f/k/a Jean Snow f/k/a Jean Pieters, CS 98-50 (HCN Tr. Ct., Sept. 28, 2000). *Order (Redirecting Support Payments)*.

In the Matter of the Children: M.E.O., DOB: 01/27/94; *L.R.O.*, DOB: 09/05/95; *F.P.*, DOB: 10/02/97; *A.N.P.*, DOB: 10/02/97; and *R.B.O.*, DOB: 07/13/99, JV 00-28, JV 00-29, JV 00-30, JV 00-31, and JV 00-32 (HCN Tr. Ct., Sept. 28, 2000). *Order (Accepting Transfer)*.

In the Interest of the Minor Children: T.H.S., DOB 12/04/87; *S.H.S.*; DOB 01/12/90; and *B.A.S.*, DOB 01/12/85, JV 99-05, JV 99-06 and JV 99-19 (HCN Tr. Ct., Sept. 28, 2000). *Order (Status Hearing and Clarification of Guardian ad Litem Obligations)*.

Ho-Chunk Nation Supreme Court:

In the Interest of the Minor Children: V.D.C., DOB 10/03/84; *D.J.C.*, DOB 10/22/88; *M.J.B.*, DOB 09/20/86; *F.S.B.*, DOB 06/21/92; and *W.W.B.*, DOB 09/20/94 by *Debra Crowe v. Ho-Chunk Nation Office of Tribal Enrollment*, SU 00-09, (HCN S. Ct., Sept. 5, 2000). *Extension Order*.

Ho-Chunk Nation Housing Authority v. William Goodbear, Jr., SU 00-12 (HCN S. Ct., Sept. 22, 2000). *Scheduling Order*.

Ho-Chunk Nation v. Harry Steindorf and Jess Steindorf, SU 00-04 (HCN S. Ct., Sept. 29, 2000). *Decision*. The Trial Court decision was affirmed. The Trial Court did not have subject matter jurisdiction over actions taken by tribal members, and occurring at a Wisconsin state chartered corporation, despite the fact that the corporation has as its Board of Directors the Ho-Chunk Nation Legislature.



Ho-Chunk Nation Trial Court:

Elizabeth T. Nguyen v. Robert Olivia, Ho-Chunk Nation Transportation, CV 00-84, filed September 7, 2000.

Bernard Mountain and Iris Lyons v. Ho-Chunk Housing Authority, CV 00-85, filed September 8, 2000.

Michelle Wood v. Vickie Hindsley, CV 00-86, filed September 8, 2000.

Sauk County Child Support Agency v. Michelle L. Mendoza, CS 00-40, filed September 8, 2000.

Ho-Chunk Nation Housing Authority v. Cheri Crain, CV 00-87, filed September 11, 2000.

Janet Funmaker v. Ho-Chunk Nation Youth Program and Russell Girard, CV 00-88, filed September 12, 2000.

State of Wisconsin v. Eileen Funmaker, CS 00-41, filed September 12, 2000.

In the Interest of T.F. and J.F. by Jill Pettibone, CV 00-89, filed September 18, 2000.

State of Wisconsin/Kathleen Funmaker v. John Funmaker, CS 00-42, filed September 18, 2000.

In the Interest of S.D.B., DOB 07/30/92 by Carol Barnes v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-90, filed September 19, 2000.

State of Wisconsin v. Curtis Pidgeon, CS 00-43, filed September 19, 2000.

Ho-Chunk Nation v. B & K Builders, Inc. and Ruka & Associates, CV 00-91, filed September 20, 2000.

Scholze Ace Home Center v. Ed Perry, d/b/a Perry Construction, CV 00-92, filed September 25, 2000.

Liana Bush v. Clarence Pettibone, in his official capacity of Vice President, and Shirley

Lonetree in her official capacity as Personnel Director, CV 00-93, filed September 25, 2000.

In the Interest of J.S.H. by Iris Fergens v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-94, filed September 27, 2000.

In the Interest of S.T., Jr., DOB 02/10/82 by Stuart Taylor, Sr. v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-95, filed September 27, 2000.

Jennifer R. Stark v. Patrick P. Patterson, CS 00-44, filed September 29, 2000.

Ho-Chunk Nation Supreme Court:

Michele M. Ferguson v. Ho-Chunk Nation Insurance Review Commission/Division of Risk Management, SU 00-13, filed September 15, 2000.



Practice Tip

Ho-Chunk Nation Rules of Civil Procedure, Rule 56(C) allows the Court to *sua sponte* move to dismiss a case if no activity has occurred on the case for the past six months. The Court must provide written *Notice* to the parties of its intent to close the file in 30 days. If the parties fail to contact the Court about their intent to pursue the case within those 30 days, the case is dismissed. The parties carry the burden of actively pursuing their case, and this Rule recognizes that burden.

Jurisdiction After *Steindorf*

Litigants must satisfy two jurisdictional elements for the Court to entertain their case. The first of these elements is subject matter jurisdiction. With the ruling in *Ho-Chunk Nation v. Harry Steindorf and Jess Steindorf*,

SU 00-04, this requirement has been clarified.

Article I, Section 2 of the HO-CHUNK NATION CONSTITUTION states that the Nation has jurisdiction over its entire territory. Article VII, Section 5(a) of the CONSTITUTION states that the Trial Court “shall have original jurisdiction over all cases and controversies . . . arising under the Constitution, laws, customs and traditions of the Ho-Chunk Nation.” The decision in *Steindorf* clarifies that the territorial component is not sufficient for the Trial Court to have subject matter jurisdiction. Additionally, the case or controversy must arise “under the Constitution, laws, customs and traditions of the Ho-Chunk Nation.” The potential subject matter jurisdiction of the Trial Court shall therefore continue to expand as the Ho-Chunk Legislature continues to pass more laws.

The decision in *Steindorf* clarifies that personal jurisdiction, based on the defendant’s status as a tribal member, does not by itself confer subject matter jurisdiction upon the Court. The elements of personal jurisdiction and subject matter jurisdiction must be met for the Court to hear the case.

Other News

The Court has received a many letters from tribal members concerning the Saturday, October 14, 2000 Special Election on redistricting. A letter is not the proper way to begin an action before the Court. A *Complaint* must be filed, and a filing fee and service of process fee must be paid. Additionally, a defendant must be named. As always, standard Court forms and lists of Ho-Chunk Nation bar members may be requested from the Court at 1-800-424-4070.

Ho-Chunk Nation Court Bulletin

Volume 6, Number 11

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In the Circuit Courts – Tribes Win One, Lose One

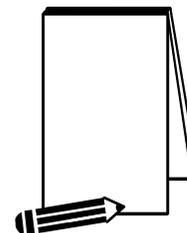
The Tenth Circuit declared that the National Labor Relations Act does not preempt the field, allowing the Pueblo of San Juan to enact its own right-to-work ordinance. (*National Labor Relations Board v. Pueblo of San Juan*, 10th Cir., No 99-2011, Sept. 26, 2000). Key to this decision was the fact that the NLRA is silent as to Indian tribes, and that silence is not sufficient to abrogate tribal sovereignty.

The Pueblo of San Juan had entered into a lease agreement with the Idaho Timber Company. That lease contained provisions for tribal member employment preferences, and that union membership not be required of tribal members. The Pueblo later enacted a right-to-work ordinance for the entire reservation, which made joining a union a voluntary act, and an employee could not be terminated for his/her failure to join.

(continued, page 2, column 1)

Court News

- The Ho-Chunk Nation Supreme Court met on Saturday, November 11, 2000. The Court continued to discuss the revisions to the *Ho-Chunk Nation Rules of Civil Procedure*.
- The Court is pleased to announce that the Supreme Court has selected a new Clerk of Court. Tari Pettibone has begun her duties in this position. This name should be familiar as she has previously worked at the Court as the Bailiff/Process Server.
- With the arrival of the new Supreme Court Clerk of Court comes the exit of LTE Clerk Missy Elk. Ms. Elk's personality and diligence will be missed.
- On November 30 and December 1, 2000, the Court will be sponsoring a Guardian ad Litem training. This training will be held at the Majestic Pines Hotel in Black River Falls, Wisconsin. Registration will begin at 8:30 a.m., and the training will run from 9:00 a.m. to 4:00 p.m. each day, with an hour for lunch (on your own). Please call ahead to reserve your place as space is limited. If you have any questions or would like to register for the training, please call Staff Attorney Katherine Kruger at (715) 284-2722 or 1-800-434-4070.



INSIDE THIS ISSUE

- 1** In the Circuit Courts – Tribes Win One, Lose One
- 1** Court News
- 2** Recent Decisions
- 9** Recent Filings
- 10** Redistricting Challenge
- 12** HCN Court Fees
- 12** Legal Citation Form

The local union and the National Labor Relations Board filed suit, alleging that this tribal ordinance violated the NLRA. The Tenth Circuit disagreed with the Board, noting that the Act itself was silent as to Indian tribes. Also, the Act could not be said to preempt the field as it specifically excludes states and territories.

In addition, the Tenth Circuit noted that these lease provisions fall within the *Montana* exceptions, making it applicable to non-members on the reservation. The lease provisions involved a consensual agreement between the Company and the tribe.

On the other hand, the Ninth Circuit dealt a blow to tribal sovereign authority when it declared that the tribe could not regulate the logging activities of a non-member on fee-owned property within the reservation. (*Roberta Bugenig v. Hoopa Valley Tribe*, 9th Cir., No. 99-15654, Oct. 3, 2000). Key to this decision was the Court's determination that neither *Montana* exception applied.

The Hoopa Valley Tribe had established a half-mile buffer zone around a key cultural and religious site. Ms. Bugenig owns land in fee simple within this buffer zone. She sought and received a logging permit from the State of California. After she began logging, the tribe took action in tribal court to enjoin her activities. (It should be noted that California withdrew its logging permit because the state does not allow logging in areas with significant historical or religious importance to California Indians.)

The tribal Court enjoined Ms. Bugenig, and the injunction was affirmed by the Tribal Supreme Court. Having exhausted her tribal remedies, Ms. Bugenig turned to the federal district court. The federal district court granted the Tribe's motion to dismiss.

The Ninth Circuit Court of Appeals reversed the tribal court. It found that neither *Montana* exception applied to this attempted regulation of a non-member. Ms. Bugenig had not entered into a consensual

relationship with the Hoopa Valley Tribe. It further stated that the timber harvesting at issue did not endanger the Tribe's political integrity, economic security, or health and welfare. ¶

Recent Decisions

Ho-Chunk Nation Trial Court:

Susan C. Oyama v. Alexander D. Gourd and Catherine M. Gourd v. Alexander D. Gourd, CS 00-27 and CS 99-13 (HCN Tr. Ct., Oct. 2, 2000). *Order (Granting Motion to Appear Telephonically)*.

Janet Funmaker v. Ho-Chunk Nation Youth Program, Russell Girard, CV 00-88 (HCN Tr. Ct., Oct. 2, 2000). *Order (Motion Hearing)*.

In the Interest of Minor Child: T.L.S., DOB 07/01/86 by Lucy K. Snake v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-76 (HCN Tr. Ct., Oct. 6, 2000). *Order (Petition Granted)*. The Court granted the release of CTF funds for orthodontics.

State of Wisconsin and Patricia Houghton v. Dixon Funmaker and In the Interest of Minor Children: D.H.F., DOB 09/26/96 and A.V.F., DOB 03/26/98, CS 98-68 and JV 99-07 and JV 99-08 (HCN Tr. Ct., Oct. 6, 2000). *Order (Amending Child Support)*.

Levi Aaron Lincoln, Sr. v. Louise Marlene Lincoln, CV 97-32 (HCN Tr. Ct., Oct. 10, 2000). *Order (Granting Motion to Reinstate Withholding)*. The Court reinstated withholding for child support arrearages against the defendant's per capita distributions.

State of Wisconsin v. Brent M. Funmaker, CV 97-138 (HCN Tr. Ct., Oct. 10, 2000). *Order (Reinstating Child Support Withholding)*. The Court reinstated withholding for current child support against the defendant's per capita distributions.

State of Wisconsin (Eileen J. Link) v. Mahlon Funmaker, a/k/a De Forrest Funmaker, CV 97-

151 (HCN Tr. Ct., Oct. 10, 2000). *Order (Amending Child Support Enforcement)*. The Court ceased withholding for current child support from the respondent's per capita distributions as the child now resides with him.

Mary Martinson v. Mark S. Houghton and Nellie M. Peoples v. Mark S. Houghton, CS 98 43 and CS 00-39 (HCN Tr. Ct., Oct. 10, 2000). *Order (Impounding Child Support)*. As the child support obligations in these cases would exceed the limitations imposed by the RECOGNITION OF FOREIGN CHILD SUPPORT ORDERS ORDINANCE, the Court impounded the current child support until an *Equitable Adjustment Hearing* could be held.

State of Wisconsin/Sauk County and Stacie Osorio v. Edward F. Topping, Jr., CS 00-30 (HCN Tr. Ct., Oct. 10, 2000). *Order (Impounding Child Support)*. The Court impounded the current child support and arrearages owed by the defendant from his October 2000 per capita distribution, per agreement of the parties, to allow him the opportunity to pay that amount in full on his own.

State of Wisconsin/Jackson Co. v. Ted L. Brown, CS 00-37 (HCN Tr. Ct., Oct. 10, 2000). *Judgment (Enforcing Child Support)*. The Court withheld current child support from the respondent's per capita distributions.

Samantha Casarez v. Edward Decorah, CS 00-36 (HCN Tr. Ct., Oct. 10, 2000). *Default Judgment (Enforcing Child Support)*. The Court withheld current child support from the defendant's per capita distributions.

In the Interest of Adult Incompetent: Roberta Goodbear by Shirley Sahr, Guardian, CV 96-49 (HCN Tr. Ct., Oct. 10, 2000) *Order (Granting Release of Per Capita)*. The Court released ITF funds for the benefit of the ward.

State of Wisconsin, Sauk CO. v. Curtis J. Pidgeon, CS 00-43 (HCN Tr. Ct., Oct. 10, 2000). *Judgment (Enforcing Child Support)*. The Court entered an order, per the agreement of the parties, as to withholding for back child support from the respondent's per capita distributions.

In the Interest of Adult Incompetent: Oliver S. Rockman, CV 97-117 (HCN Tr. Ct., Oct. 10, 2000). *Order (Granting Release of Per Capita)*. The Court released ITF funds for the benefit of the ward.

Victoria V. Cloud v. Tribal Aging Unit (Marian Donaldson), CV 00-61 (HCN Tr. Ct., Oct. 11, 2000). *Order (Granting Extension)*. Due to the extensive witness list filed by the plaintiff, the Court granted the defendants' *Motion to Extend Discovery Deadline*.

Faith Taken Alive v. Brady Eagleman, CS 00-21 (HCN Tr. Ct., Oct. 11, 2000). *Notice of Child Turning 18*.

Roger Wallace v. Renae Perez, CS 00-29 (HCN Tr. Ct., Oct. 11, 2000). *Order (Enforcing Child Support)*. The Court withheld current child support from the respondent's per capita distributions.

State of Wisconsin, Jackson County v. Eileen Funmaker, CS 00-41 (HCN Tr. Ct., Oct. 11, 2000). *Default Judgment (Enforcing Child Support)*. The Court enforced the underlying State Court Order against the defendant's per capita distributions.

State of Wisconsin and James Menore v. Michelle L. Mendoza, CS 00-40 (HCN Tr. Ct., Oct. 11, 2000). *Judgment (Enforcing Child Support)*. The Court enforced the underlying State Court Order against the respondent's per capita distributions.

HCN Court Fees

Filing Fees	\$35.00
Service of Summons	!In
Person	\$15.00 (or cost if out of state) !By
Mail	\$4.00 (or cost, whichever is greater) !By
the Court	\$0.325 (per mile)
Copying	\$0.10/per page
Faxing	\$0.25/per page (sending and receiving)
Tapes of Hearings	\$10.00/per tape
Deposition Videotape	\$10.00/per tape
Certified Copies	\$0.50/per page
Equipment Rental	\$5.00/per hour
Register a Foreign Order	\$15.00
Appellate filing fees	\$35.00
Admission to Practice	\$50.00
Pro Hac Vice Appearance	\$35.00

Legal Citation Form

Below are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, and Subsection.

HCN CONST., ART. XI, Sec. (or ə) 7.

HCN Const., Art. II, Sec. (or ə) 1(a).

Ho-Chunk Nation Court System
P.O. Box 70
Black River Falls, WI 54615

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND PROCEDURE MANUAL, Ch. 12, Part B, p. 82.
CLAIMS AGAINST PER CAPITA, ə6.01(b).

HCN Supreme Court Case Law

Case Name, Case No. (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).
Smith v. Casino, SU 94-11 *Order* (HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).
In the Interest of Minor Child X, JV 95-047 (HCN Tr. Ct., May 23, 1994).

Rules of Civil Procedure

HCN. R. Civ. P. 19(B).



Nicky L. Woolhouse v. Domonic Bell, CS 00-28 (HCN Tr. Ct., Oct. 11, 2000). *Default Judgment (Enforcing Child Support)*. The Court enforced the underlying State Court Order against the defendant's per capita distributions.

Mr. Chloris Lowe, Jr. v. Ho-Chunk Nation Legislature and Ho-Chunk Nation Election Board, CV 00-99 (HCN Tr. Ct., Oct. 11, 2000). *Order (Hearing)*.

Susan C. Oyama v. Alexander D. Gourd and Catherine M. Gourd v. Alexander D. Gourd, CS 00-27 and CS 99-13 (HCN Tr. Ct., Oct. 12, 2000). *Order (Enforcing Child Support)*. The Court enforced the underlying State Court Orders, to the extent possible by the RECOGNITION OF FOREIGN CHILD SUPPORT ORDERS ORDINANCE allowed, against the defendant's per capita distributions.

Sabrina Powers Magwood v. Wesley George Powers, CS 98-51 (HCN Tr. Ct., Oct. 12, 2000). *Order (Releasing Impounded Child Support)*. The Court released the impounded child support money and re-imposed withholding for back child support from the defendant's per capita distributions.

State of Wisconsin on behalf of Rosemarie Powless v. Kevin Vasquez, CS 98-33 (HCN Tr. Ct., Oct. 12, 2000). *Order (Suspending Withholding)*. The Court ceased withholding back child support from the defendant's per capita distributions as the arrearage had been paid in full.

In the Interest of Minor Child: S.J.R., DOB: 03/31/99, JV 00-01 (HCN Tr. Ct., Oct. 12, 2000). *Order (Extending Dispositional Order)*.



In the Matter of the Child: B.D.T., DOB: 08/10/91, JV 98-10 (HCN Tr. Ct., Oct. 12,

2000). *Order (Extending Dispositional Order)*.

In the Matter of the Child: B.D.T., DOB 08/10/91, JV 98-10 (HCN Tr. Ct., Oct. 12, 2000). *Order (Child Support)*.

Hennepin County on behalf of Shirley Jackson v. Kent Funmaker, CS 00-26 (HCN Tr. Ct., Oct. 12, 2000). *Order (Impounding Child Support)*.

State of Wisconsin, Juneau County, on behalf of Chastity Miller v. Arnold R. Decorah and State of Wisconsin, Jackson County, on behalf of Veronica Rosas v. Arnold R. Decorah, CS 99-15 and CS 00-32 (HCN Tr. Ct., Oct. 13, 2000). *Judgment (Enforcing Child Support)*. After an *Equitable Adjustment Hearing*, the Court enforced the underlying State Court Orders, to the extent possible under tribal law, against the respondent's per capita distributions.

State of Wisconsin – Sauk County and Joyce St. Cyr v. Robert M. Mobley; State of Wisconsin – Sauk County and Jennifer Stanley v. Robert M. Mobley; State of Wisconsin – Sauk County and Jennifer Stanley v. Robert M. Mobley; and State of Wisconsin – Juneau County and Joyce St. Cyr, v. Robert M. Mobley, CS 99-37; CS 99-38; CS 99-39; and CS 00-04 (HCN Tr. Ct., Oct. 13, 2000). *Order (Impounding Child Support)*. The Court entered an order to impound child support until a *Fact-Finding Hearing* could be held.

State of Wisconsin and Kathaleen Funmaker v. John Funmaker, CS 00-42 (HCN Tr. Ct., Oct. 13, 2000). *Order (Impounding Child Support)*. The Court impounded the child support until an underlying matter could be resolved in the Sauk County Court.

State of Wisconsin – Jackson County and Suzette Greengrass v. David A. WhiteEagle and State of Wisconsin – Jackson County and Nancy Smith v. David A. WhiteEagle, CS 98-26 and CS 98-27 (HCN Tr. Ct., Oct. 16, 2000). *Order (Enforcing Child Support)*.

After an *Equitable Adjustment Hearing*, the Court enforced the underlying State Court Orders, to the extent possible under tribal law, against the defendant's per capita distributions.

In the Interest of the Minor Children: T.F., DOB 07/08/89 and J.F., DOB 09/30/90 by Jill Pettibone v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-89 (HCN Tr. Ct., Oct. 16, 2000). Order (Petition Granted). The Court granted the release of CTF funds for orthodontics.

In the Interest of Minor Children: P.L.H., DOB 10/24/84 and E.J.H., DOB 08/28/85, JV 00-02 and JV 00-03 (HCN Tr. Ct., Oct. 17, 2000). Order (Child Protection Review Hearing).

In the Matter of the Child: T.F., DOB: 12/25/91, JV 97-01 (HCN Tr. Ct., Oct. 17, 2000). Order Extending Dispositional Order (July 12, 2000).

Ho-Chunk Nation Department of Housing, Home Ownership Program v. Estate of Ida Marion Whitebear, CV 00-75 (HCN Tr. Ct., Oct. 17, 2000). Default Judgment. The Court returned the ownership of the house in question to the Home Ownership Program. The Court also required the defendant to remove the personal belongings from the home.

Ho-Chunk Nation Housing Authority v. Cheri Crain, CV 00-87 (HCN Tr. Ct., Oct. 17, 2000). Notice (Intent to Issue Default Judgment).

In the Interest of Minor Child(ren): P.L.H., DOB 10/24/84 and E.J.H., DOB 08/28/85, JV 00-02 and JV 00-03 (HCN Tr. Ct., Oct. 17, 2000). Order (Modification of Child Support).

Ho-Chunk Nation Department of Housing, Property Management Division v. Jamie L. Funmaker, CV 99-92 (HCN Tr. Ct., Oct. 17, 2000). Eviction Order (Restitution and Relief). The Court entered an order to evict the defendant from the rental unit for failure to pay rent.

Ho-Chunk Nation Department of Housing, Property Management Division v. Jamie L. Funmaker, CV 99-92 (HCN Tr. Ct., Oct. 17, 2000). Writ of Restitution. The Court entered an order to have the defendant removed from the rental unit.

In the Interest of Minor Child: P.C., DOB 04/25/89 by Victoria Cloud v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-69 (HCN Tr. Ct., Oct. 18, 2000). Order (Accepting Accounting).

Gale S. White v. Larry V. Garvin, CS 99-20 (HCN Tr. Ct., Oct. 18, 2000). Order (Notice of Child Turning 18 and Amending Child Support). The Court amended the defendant's child support order as one of the children had turned nineteen (19) and was no longer eligible to receive support.



In the Matter of the Child: S.R.G., DOB: 09/20/83, JV 99-14 (HCN Tr. Ct., Oct. 18, 2000). Minute Order (June 8, 2000).

State of Wisconsin, Sauk Co., and Chris W. Crain v. Cheri L. Crain, CS 99-30 (HCN Tr. Ct., Oct. 18, 2000). Notice (Child Turning 18 and Impounding Child Support).

State of Wisconsin/Jackson County v. Morgan Decorah; State of Wisconsin/Jackson County v. Morgan Decorah; and State of Wisconsin/Shawano County v. Morgan Decorah, CV 97-68; CS 98-78; and CS 99-77, Order (Releasing Impound). The Court released the impounded child support to the defendant as Shawano County failed to appear and explain the underlying State



Court Order, about which the Court had numerous questions.

In the Matter of the Child: S.R.G., DOB: 09/20/83, JV 99-14 (HCN Tr. Ct., Oct. 18, 2000). Minute Order (August 11, 2000).

In the Interest of Minor Child: J.S.H., DOB 01/20/99 by Iris Firgens v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-94 (HCN Tr. Ct., Oct. 18, 2000). Order (Relief Granted). The Court ordered DNA testing so that the child could be enrolled with the Ho-Chunk Nation.

State of Wisconsin, Jackson County v. James L. Pettibone, CS 00-07 (HCN Tr. Ct., Oct. 18, 2000). Order (Amending Child Support). The Court amended the defendant's child support obligation in light of the fact that one of the children turned eighteen (18), and the plaintiff failed to file proof of enrollment in high school or its equivalent.

Mr. Chloris Lowe Jr. v. Ho-Chunk Nation Legislature and Ho-Chunk Nation Election Board, CV 00-99 (HCN Tr. Ct., Oct. 19, 2000). Order (Dismissal for Lack of Subject Matter Jurisdiction). The Court dismissed the plaintiff's case, which had requested that the October 14, 2000 Special Redistricting Election be enjoined, for failure to specifically name those legislators and election board members that allegedly acted outside the scope of their authority, as is required by the CONSTITUTION and Ho-Chunk Nation tribal law.

Eliza M. Green v. Montgomery J. Green, CV 97-54 (HCN Tr. Ct., Oct. 19, 2000). Notice of Child Turning 18; Order (Impounding and Amending Child Support). The Court noted that one of the minor children would turn eighteen later that month and required one of the parents to file proof of enrollment in high school or its equivalent to continue receiving child support for that child.

State of Wisconsin v. Fredrick K. Greendeer; State of Wisconsin, on behalf of Mary Tribble,

v. Fredrick K. Greendeer; Roberta Greendeer v. Fredrick K. Greendeer; State of Wisconsin, for Carol L. Miller v. Fredrick K. Greendeer, CS 98-32; CV 97-44; CV 97-02; and CS 99-75 (HCN Tr. Ct., Oct. 19, 2000). Notice of Child Turning 18. The Court noted that one of the children in Case No. CV 97-02 had turned eighteen (18) and required one of the parents to file proof of enrollment in high school or its equivalent to continue receiving support for that child.

In the Interest of the Minor Child: E.M., DOB: 07/29/92 by Angela Mike v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-71 (HCN Tr. Ct., Oct. 19, 2000). Order (Petition Granted in Part and Denied in Part). The Court granted the release of CTF funds for an air purifier as the child has severe asthma and allergies.

Johnny Whitecloud v. Patricia A. Whitecloud, CS 98-13 (HCN Tr. Ct., Oct. 20, 2000). Order (Suspending Withholding for Child Support). The Court suspended withholding for child support as the underlying State Court Order had been dismissed.

In Re: the Support of: R.T.P., State of Wisconsin/Adams Co., and Patricia Lynne Prado v. Marilyn R. Whiterabbit Prado, CS 00-45 (HCN Tr. Ct., Oct. 20, 2000). Order (Enforcing Child Support). The Court enforced the underlying State Court Order against the respondent's per capita distributions.

Jennifer R. Stark v. Patrick R. Patterson, CS 00-44 (HCN Tr. Ct., Oct. 20, 2000). Order (Enforcing Child Support). The Court enforced the underlying State Court Order against the respondent's per capita distributions.

Ho-Chunk Nation Housing Authority v. William Kemp, Sr., CV 00-30 (HCN Tr. Ct.,

Oct. 23, 2000). *Order (Per Capita Withholding)*. In accordance with the settlement agreement reached by the parties, the Court entered an order to withhold per capita money to satisfy the debt to the Nation.

In the Interest of Minor Child: S.V.P., DOB 11/06/96, JV 00-10 (HCN Tr. Ct., Oct. 23, 2000). Order (Continuation of Temporary Guardianship).

In the Interest of Minor Children: P.W., DOB 06/09/86 and C.W., DOB 07/19/88 by Betty Jo White v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-72 (HCN Tr. Ct., Oct. 23, 2000). Order (Dismissal With Prejudice). The Court dismissed the case as the plaintiff failed to appear at a *Fact-Finding Hearing* for which she had been given proper notice.



State of Wisconsin/Sauk County and Stacie Osorio v. Edward F. Topping, Jr., CS 00-30 (HCN Tr. Ct., Oct. 23, 2000). Order (Releasing Impounded Child Support). As the defendant failed to pay his child support for the quarter, as agreed by the parties, the impounded money was released to the County.

In the Interest of the Minor Child: C.G.T., DOB 09/13/94, JV 00-23 (HCN Tr. Ct., Oct. 23, 2000). Order (Dismissal Without Prejudice).

In the Interest of the Minor Children: P.L.H., DOB 10/24/84 and E.J.H., DOB 08/28/85, JV 00-21 and JV 00-22 (HCN Tr. Ct., Oct. 23, 2000). Order (Dismissal Without Prejudice).

Ho-Chunk Nation Housing Authority v. Bernard Mountain, Jr. and Iris Lyons, CV 00-81 (HCN Tr. Ct., OCT. 24, 2000). Order (Dismissal With Prejudice).

Marguerite I. WhitEagle v. Ho-Chunk Nation – President, Jacob LoneTree, and Nancy Marj, (LTE) General Manager of DeJope, CV 00-54 (HCN Tr. Ct., Oct. 24, 2000). Order

(Dismissal for Lack of Subject Matter Jurisdiction). As the plaintiff filed this employment action in an untimely manner (approximately eleven (11) months after the fact), the Court dismissed the case for a lack of subject matter jurisdiction.

Marguerite I. WhitEagle v. Ho-Chunk Nation – President, Jacob LoneTree, Department of Social Services – Betty Decorah Funmaker, and Youth Services Program – Russell Girard, Judie Hillmer, CV 00-53 (HCN Tr. Ct., Oct. 24, 2000). Order (Dismissal for Lack of Subject Matter Jurisdiction). As the plaintiff filed this employment action in an untimely manner (approximately five (5) months after the fact), the Court dismissed the case for a lack of subject matter jurisdiction.

Liana Bush v. Clarence Pettibone in his official capacity as Vice-President of the Ho-Chunk Nation, and Shirley Lonetree in her official capacity as Director of the Ho-Chunk Nation Department of Personnel, CV 00-93 (HCN Tr. Ct., Oct. 24, 2000). Order (Motion Hearing).

Delores Greendeer v. Randall Mann, CV 00-50 (HCN Tr. Ct., Oct. 24, 2000). Order (Motion Hearing).

Jackson County Foster Care, Eunice Greengrass, and Carmella Root v. Karla Greengrass, CV 96-81 (HCN Tr. Ct., Oct. 25, 2000). Notice (Child Turning 18).

Anthony Salerno v. Estelle R. Whitewing, CV 97-103 (HCN Tr. Ct., Oct. 25, 2000). Notice (Child Turning 18).

Chloris Lowe Jr and Stewart J. Miller v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board, CV 00-104 (HCN Tr. Ct., Oct. 25, 2000). Notice (Pre-Trial Hearing). The Court scheduled a *Pre-Trial Hearing* in this case challenging the redistricting election.

Darcey Funmaker-Rave v. Clarence Pettibone in his official capacity as Vice-President of the Ho-Chunk Nation, and Shirley Lonetree in her official capacity as Director of the Ho-Chunk Nation Department of Personnel, CV 00-101 (HCN Tr. Ct., Oct. 26, 2000). *Order (Motion Hearing)*. The Court scheduled a *Motion Hearing* to allow the defendants to argue their *Motion for Summary Judgment* in this employment case.

Ho-Chunk Nation Department of Housing, Home Ownership Program v. Mick Boardman d/b/a T & Son's General Contractors, CV 99-107 (HCN Tr. Ct., Oct. 26, 2000). *Order (Granting Motion for Contempt)*. The Court found the defendant in contempt for failure to respond to the plaintiff's discovery requests.

In the Interest of the Minor Child: M.C.D., DOB 03/29/99, JV 99-11 (HCN Tr. Ct., Oct. 26, 2000). *Order (Granting Motion to Withdraw as Counsel)*.

Scholze Ace Home Center, Inc. v. Edward Perry, d/b/a Perry Construction, CV 00-92 (HCN Tr. Ct., Oct. 26, 2000). *Order (Requesting Action by the Ho-Chunk Nation)*.

Mary Martinson v. Mark S. Houghton and Nellie M. Peoples v. Mark S. Houghton, CS 98-43 and CS 00-39 *Order (Enforcing Child Support)*. After an *Equitable Adjustment Hearing*, the Court enforced the underlying State Court Orders to the extent possible under tribal law.

Michael O'Brien v. Marlin Snake, CV 00-43 (HCN Tr. Ct., Oct. 27, 2000). *Order (Default Judgment)*. The Court granted recognition of a State Court money judgment.

In the Matter of the Children of: Cindy Peet, Parent, JV 00-20 (HCN Tr. Ct., Oct. 27, 2000). *Order (Dismissal Without Prejudice)*.

Hennepin County on behalf of Shirley Jackson v. Kent Funmaker, CS 00-26 (HCN Tr. Ct., Oct. 30, 2000). *Judgment (Enforcing Child Support and Releasing Impounded Child Support)*. The Court enforced an

underlying State Court Order against the respondent's per capita distributions.

State of Wisconsin/Sauk Co. v. Christopher J. Sweet, CS 99-53 (HCN Tr. Ct., Oct. 30, 2000). *Judgment (Amending Child Support Withholding)*. The Court, in accordance with the amended underlying State Court Order, amended its enforcement against the defendant's per capita distributions.

Dennis M. Johnson v. Chris Straight, CV 00-08 (HCN Tr. Ct., Oct. 30, 2000). *Notice (Intention to Close File)*. The Court informed the parties of its intent to close the file as they had settled this employment dispute.

In the Interest of Minor Children: P.L.H., DOB 10/24/84 and E.J.H., DOB 08/28/85, JV 00-02 and JV 00-03 (HCN Tr. Ct., Oct. 30, 2000). *Order (Child Support)*.



Chloris Lowe Jr. and Stewart J. Miller v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually; and Ho-Chunk Nation Election Board, CV 00-104 (HCN Tr. Ct., Oct. 30, 2000). *Order (Discovery Period)*. The Court set the schedule for the discovery period in this challenge to the redistricting election.

Michelle Decorah v. Irene Keenan, Child Care Assistance Program, Department of Social Services, CV 00-51 (HCN Tr. Ct., Oct. 31, 2000). *Order to Pay Fees*.

Ho-Chunk Nation Supreme Court:

Ho-Chunk Nation Department of Housing, Property Management Division v. Sarah Dobbs, SU 00-10 (HCN S. Ct., Oct. 4, 2000). *Extension Order*.

Ho-Chunk Nation Housing Authority v. William Goodbear, Jr., SU 00-12 (HCN S. Ct.,

Oct. 6, 2000). *Order Granting Motion to Extend Time.*

In the Interest of the Minor Child(ren): V.D.C., DOB 10/03/84; D.J.C., DOB 09/02/86; M.J.B., DOB 09/02/86; E.S.B., DOB 06/21/91; and W.W.B., DOB 09/20/94 by Debra Crowe v. Ho-Chunk Nation Office of Tribal Enrollment, SU 00-09 (HCN S. Ct., Oct. 12, 2000). Decision. The mother had requested to purchase a car using her children's CTF funds which was denied by the Trial Court. The Court remanded the second prong (whether the request represents a necessity, as opposed to a want or desire) of the test used by the Trial Court when considering the release of CTF funds, back to the Trial Court to properly identify the source of this test, and to formulate a test that can be applied equally based on the facts of each case. The Court also held that if the mother does not have a valid driver's license, it would not benefit the children's health and welfare to be driven around by her.

Michele M. Ferguson v. Ho-Chunk Nation Insurance Review Commission/Division of Risk Management, SU 00-13 (HCN S. Ct., Oct. 14, 2000). Order (Denying Appeal). The Court denied the appeal as the merits of the case are intertwined with the legal issues, and the Trial Court has not yet had an opportunity to make findings of fact and conclusions of law on the merits.

Ho-Chunk Nation Department of Housing, Property Management Division v. Sarah Dobbs, SU 00-10 (HCN S. Ct., Oct. 16, 2000). Order (Staying of Judgement). The Court stayed the Trial Court's money judgment until the Court could render a final decision.

Joelene Smith v. Scott Beard, as Director of Ho-Chunk Nation Department of Education and the Ho-Chunk Nation, SU 00-14 (HCN S. Ct., Oct. 16, 2000). Scheduling Order.

Joelene Smith v. Scott Beard, as Director of Ho-Chunk Nation Department of Education

and the Ho-Chunk Nation, SU 00-14 (HCN S. Ct., Oct. 23, 2000). Order Granting Extension of Filing Deadline.

Ho-Chunk Nation Department of Housing, Property Management Division v. Sarah Dobbs, SU 00-10 (HCN S. Ct., Oct. 24, 2000). Decision. The Court affirmed the money judgment entered by the Trial Court. The Court reversed the implementation of that money judgment against the appellant's per capita distributions as the parties, on appeal, are willing to enter into a payment plan (the appellant had not appeared in the Trial Court action, thus no payment plan agreement was possible).

Ho-Chunk Nation Housing Authority v. William Goodbear, Jr., SU 00-12, (HCN S. Ct., Oct. 31, 2000). Order Granting Dismissal. The Court granted the dismissal as requested by the appellant.



Recent Filings

Ho-Chunk Nation Trial Court:

In the Interest of D.A.S., DOB: 10/14/87 by Larry D. Swan v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-96, filed October 4, 2000.

In the Interest of T.T.G., DOB 07/24/90 and E.A.G., DOB 11/12/86 by Michael Goodbear v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-97, filed October 4, 2000.

State of Wisconsin/Patricia L. Prado v. Marilyn R. Whiterabbit Prado, CS 00-46, filed October 4, 2000.

Ho-Chunk Nation Housing v. John Wabshoggin and James Wabshoggin, CV 00-98, filed October 6, 2000.

Chloris Lowe Jr v. Ho-Chunk Nation Legislature and Ho-Chunk Nation Election Board, CV 00-99, filed October 11, 2000.

Tamara Scoles v. Michael Thompson, CV 00-100, filed October 11, 2000.

Darcy Funmaker-Rave v. Clarence Pettibone in his official capacity as Vice-President of the Ho-Chunk Nation and Shirley Lonetree in her official capacity as Director of Personnel, CV 00-101, filed October 16, 2000.

John Goodbear v. Ho-Chunk Nation Housing Authority, CV 00-102, filed October 17, 2000.

Lori Koster v. Majestic Pines, Kari Heinz, Victoria Williamson, CV 00-103, filed October 20, 2000.

State of Wisconsin/Johnny Whitecloud v. Patricia A. Whitecloud, CS 00-46, filed October 20, 2000.

Washington County/Michelle L. Kelty v. Lawrence J. Hengel, CS 00-47, filed October 25, 2000.

Chloris Lowe Jr. and Stewart Miller v. Ho-Chunk Nation Legislature members and Ho-Chunk Nation Election Board, CV 00-104, filed October 25, 2000.

Jacob Lonetree et. al v. Robert Funmaker, Jr., Darcy Funmaker-Rave, and Gloria Visintin, CV 00-105, filed October 27, 2000.

State of Wisconsin/Janette M. Beeman v. William Kemp, CS 00-48, filed October 30, 2000.

Ho-Chunk Nation Supreme Court:

Joelene Smith v. Scott Beard, as Director of Ho-Chunk Nation Department of Education and the Ho-Chunk Nation, SU 00-14, filed October 6, 2000.



Redistricting Challenge

On October 25, 2000, Chloris Lowe Jr. and Stewart Miller, by and through Attorney Gary Montana, filed a challenge to the October 14, 2000 Special Redistricting Election. Through the Special Redistricting Election, the electorate of the Ho-Chunk Nation had selected the “No Action or No Change” scenario. Attorney Montana alleged that this action violated the Constitutional requirement of one person/one vote, thereby infringing the equal protection rights of the members, particularly those members living in Area V, or the At-Large District. Attorney Montana also alleged that this action could result in a territorial diminishment of the Ho-Chunk Nation. Other allegations were made, but they did not survive the Trial Court’s November 3, 2000 *Order (Partial Dismissal of Claims)*. In that *Order*, the Court noted that the representative government formed by the Ho-Chunk Nation in the November 1, 1994 CONSTITUTION was not conceived in a vacuum, and rendered *Baker v. Carr* (396 U.S. 186 (1962)) and its progeny persuasive authority for this case.

On October 30, 2000, the defendants, by and through Attorney John Swimmer, filed a timely *Answer*. The defendants denied that the proposals on the Redistricting Election ballot violated the Constitution. The defendants also denied that the “No Action or No Change” scenario violated the due process or equal protection rights of members. Additionally, the defendants affirmatively alleged that they were immune to suit due to sovereign immunity, that the plaintiffs failed to allege that an unfair election (continued, page 11, column 1)

had been conducted, that this was a political question and therefore nonjusticiable, and that the doctrine of laches barred the Court from addressing the challenge to a system that had been in place for the past five (5) years.

On November 2, 2000, Attorney Swimmer filed a *Motion to Dismiss*. As grounds for that motion, the defendants alleged that the plaintiffs failed to cite a procedural irregularity of the October 14, 2000 Special Redistricting Election as required by the AMENDED AND RESTATED HO-CHUNK ELECTION ORDINANCE. The defendants also alleged that the defendants were immune from suit. Additionally, the defendants alleged that the plaintiffs lacked standing as their interest in this Constitutional challenge, their injury, was no different than any other tribal member's interest or injury. The plaintiffs filed a *Reply* to the defendants *Motion to Dismiss* on November 6, 2000, contesting the allegations made by the defendants.

On November 6, 2000, the Court, the Honorable Todd R. Matha presiding, held a *Hearing on Defenses*. At this *Hearing*, Attorney Swimmer was allowed to argue the affirmative defenses that he had pled, and Attorney Montana was allowed an opportunity to respond to that argument. The Court issued a ruling from the bench, that was later reduced to writing in the November 8, 2000 *Order (Recognizing Right to Challenge)*. In that *Order*, the Court noted that the CONSTITUTION vests the judiciary, not the Ho-Chunk Nation Legislature, with the authority to interpret the CONSTITUTION. The Legislature, through the AMENDED AND RESTATED HO-CHUNK NATION ELECTION ORDINANCE, had attempted to limit judicial review to procedural matters. The Court determined that the Constitutional provision regarding election challenges allowed substantive, as well as procedural, challenges of an election to be filed. The

Court held that the plaintiffs had properly asserted a challenge to the "No Action or No Change" result of the October 14, 2000 Special Redistricting Election.

The parties had agreed at the November 6, 2000 *Hearing* to file *Motion(s) for Summary Judgment* for consideration at the upcoming November 9, 2000 *Hearing on Summary Judgment*, as only a legal issue remained. On November 8, 2000, the plaintiffs filed a *Cross Motion for Summary Judgment*. The *Memorandum in Support* of their motion was filed on November 9, 2000. The defendants filed their *Motion for Summary Judgment*, and *Brief in Support*, on November 8, 2000.

At the November 9, 2000 *Hearing on Summary Judgment*, the parties were allowed the opportunity to argue in support of their *Motion*, and to reply to the others *Motion*. At the close of the *Hearing*, the Honorable Todd R. Matha ruled from the bench, which was later reduced to writing in the November 13, 2000 *Order (Granting Plaintiffs' Motion for Summary Judgment)*. The Court concluded that the CONSTITUTION mandates that the Legislature "shall redistrict or reapportion every five (5) years." Through the plain meaning of this phrase, the Court found that to place the "No Action or No Change" scenario on the redistricting ballot was *per se* unconstitutional. As a result, the Legislature had also failed to pursue the one person/one vote objective in the CONSTITUTION. The Legislature could not discharge this duty through a lengthy study of redistricting schemes. Actual redistricting is required.

It should be noted that while Associate Trial Judge Matha's decision is final as to the Trial Court, the parties still have a five (5) day window in which to file an appeal with the Ho-Chunk Nation Supreme Court. II



Ho-Chunk Nation Court Bulletin

Volume 6, Number 12

December 2000

Court Issues Decision in Lonetree Removal Case

On December 7, 2000, the Ho-Chunk Nation Trial Court, the Honorable Mark Butterfield presiding, issued a *Declaratory Judgement in Jacob Lonetree, Forrest Whiterabbit, Elliot Littlejohn, Libby Fairchild, Spencer Lonetree, and Parmenton Decorah v. Robert Funmaker, Jr., Darcy Funmaker-Rave, Gloria Visintin, and Ho-Chunk Nation Election Board*, Case No. CV 00-105. At the November 16, 2000 *Preliminary Injunction Hearing*, the parties' counsel had agreed to submit briefs on the key issue involved, whether plaintiff Jacob Lonetree had been properly served the *Notice of Intent to Remove* by defendant Gloria Visintin.

The plaintiffs argued that service of the *Notice of Intent to Remove* must be done in one of two ways: 1) a General Council with an established quorum could authorize a person or persons to draw up the notice with the removal to be taken up at a later General Council, or 2) a General Council with an (continued page 2, column 1)

Redistricting Challenge Update

On November 17, 2000, the November 13, 2000 Trial Court *Order (Granting Plaintiff's Motion for Summary Judgment)* was appealed to the Ho-Chunk Nation Supreme Court. (*Mr. Chloris Lowe, Jr. and Mr. Stewart Miller v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually and Ho-Chunk Nation Election Board*, Case No. SU 00-15). On December 7, 2000, the Ho-Chunk Nation Supreme Court issued an *Order Denying Appeal*. The basis for this denial was the Supreme Court's determination that the November 13, 2000 *Order* did not meet the standards of a final judgment as the *Order* indicated that there was still another judicial determination to be made, and because the matter would not be resolved to allow for the six month requirement.

On December 1, 2000, the Ho-Chunk Nation Legislature submitted four (4) redistricting scenarios to the Trial Court pursuant to the November 13, 2000 *Order (Granting Plaintiffs' Motion for Summary Judgment)*. This filing prompted the Court to issue an *Order (Requiring Further Justification)* on December 6, 2000. The Court noted that the Legislature failed to state the desired order of preference as required by the November 13, 2000 *Order*. The Court also pointed out that there were mathematical or geographical errors on Scenarios 1A and 1C. In addition, the Court noted potential (continued page 2, column 2)

INSIDE THIS ISSUE

- 1 Court Issues Decision in Lonetree Removal Case
- 1 Redistricting Challenge Update
- 2 Court News
- 3 Recent Decisions
- 7 Recent Filings
- 8 HCN Court Fees
- 8 Legal Citation Form

established quorum could draw up the notice itself with the removal to be taken up at a later General Council, citing the Court's decision in *Coalition for Fair Government II et. al. v. Chloris A. Lowe, Jr. et. al*, CV 96-22 and CV 96-24 (HCN Tr. Ct., Jan. 3, 1997). The defendants argued that as a member of the Ho-Chunk Nation, defendant Gloria Visintin held a panoply of rights, including the Constitutional right to petition for redress of grievances. The defendants argued that these rights allowed any adult member of the Nation to draw up and serve the *Notice of Intent to Remove*. The defendants argued that the decision in *Coalition II* could be distinguished as in *Coalition II*, the Court had dealt with an elusive body known as the General Council Planning Committee that only had limited, designated powers.

The Court held that plaintiff Jacob Lonetree had been properly served the *Notice of Intent to Remove* by defendant Gloria Visintin. The Court determined that any adult member of the Ho-Chunk Nation has the authority to draw up and serve a *Notice of Intent to Remove* upon an elected official. The Court noted that while this ability may create uncertainty as elected officials could face many such removal attempts, it served the purpose of holding elected officials accountable to the electorate. The Court also determined that two of the levied charges, violation of nepotism restrictions and abridgment of freedom of press and speech fit within the broad definition of bad conduct that the General Council can determine to be malfeasance.

This decision is subject to appeal in the Ho-Chunk Nation Supreme Court.



constitutional deficiencies within the filing. The Court required further justification and argument on these proposals, and convened a *Hearing* on December 8, 2000 to deal with these issues.

At the December 8, 2000 *Hearing*, the Court, the Honorable Todd R. Matha presiding, after hearing argument on the Legislature's proposals, ruled from the bench that Scenario 30 passed constitutional muster. The other scenarios presented by the Legislature did not. The Court required the Legislature to file additional redistricting proposals with the Court by December 15, 2000. Judge Matha indicated that a written decision memorializing the bench ruling would be forthcoming.

Court News

- The Court would like to extend a warm welcome to the people who completed the Guardian ad Litem training on November 30 and December 1, 2000. Deana DeMarrias, Kevin Keith, Marcella Patton, William Quackenbush, Naomi Rich, Jessie Rugg, and Jim Seymour (members or employees of the Ho-Chunk Nation) will be taking appointments. In addition, Kelly Doxtater, Rebecca Doxtater, BethAnn McCord, Leah Miller, Merl R. Moede, Stacey G. Schreiber and Scott Vele from the Stockbridge-Munsee Band of Mohican Indians have indicated that they are willing to take appointments near their homes for the Court. The Court looks forward to working with each of you.
- The Ho-Chunk Nation Supreme Court will be meeting on January 6, 2000 at 9:00 a.m. at the courthouse. No oral arguments are scheduled at this time for that meeting.

(continued page 3, column 1)

- In *Administrative Order SA 00-01*, the Ho-Chunk Nation Supreme Court has requested that all filings, pleadings, or other correspondence be addressed to:
Ms. Tari Pettibone
HCN Supreme Court Clerk
P.O. Box 70
Black River Falls, WI 54615
- The Court would like to remind the public that during this winter season, the Court intends to remain open for regular business hours unless the State Highway Patrol issues warnings to the effect that driving is unsafe. If you are scheduled for an appearance, or coming to the Court to file papers, and question whether the Court is open, you can call the Clerk of Court at 1-800-434-4070 or 284-2722.



Recent Decisions

Ho-Chunk Nation Trial Court:

Lisa Wathen v. Ho-Chunk Nation Gaming Commission, CV 00-65 Stipulation & Order to Amend Scheduling Order (HCN Tr. Ct., Nov. 1, 2000). The Scheduling Order was amended to reflect that the Court and the Department of Justice would be closed on November 10, 2000 in recognition of Veterans Day.

Debra Linehan v. Majestic Pines Casino, CV 00-42 Order (Postponing Trial) (HCN Tr. Ct., Nov. 1, 2000). The Trial was postponed as agreed upon by the parties.

Ho-Chunk Nation v. B&K Builders, Inc. and Ruka & Associates, CV 00-91 Order (Denial of Motion) (HCN Tr. Ct., Nov. 1, 2000). The Court denied the *Motion* filed by Ruka & Associates as the *Ho-Chunk Nation Rules of Civil Procedure* only permit the filing of a

motion contemporaneous with or following the filing of the first pleading.

Margaret G. Garvin v. Donald Greengrass and Margaret G. Garvin v. Ho-Chunk Nation, Donald Greengrass in his official and individual capacity, and Evans Littlegeorge in his individual capacity, CV 00-10 and CV 00-38 Order (Extension of Motion Deadlines) (HCN Tr. Ct., Nov. 1, 2000). The Court extending the motion deadlines as agreed upon by the parties.

Theresa Lynn Hendrickson v. HCN Office of Tribal Enrollment, CV 99-10 Order (Lodging of Administrative Record) (HCN Tr. Ct., Nov. 2, 2000). The Court required the defendant to lodge the administrative record, including the videotape of the proceedings with the Court in this appeal of an Enrollment Committee final decision.

In the Interest of the Minor Children: T.T.G. & E.A.G. by Michael A. Goodbear v. HCN Office of Tribal Enrollment, CV 00-97 Order (Denying Release for Specified Car) (HCN Tr. Ct., Nov. 3, 2000). The Court denied the release of CTF funds for the vehicle specified by the parents as the cost exceeded the limitation set by the Court at the October 24, 2000 *Hearing*.

Libby Fairchild v. Ho-Chunk Nation, Ho-Chunk Nation Legislature, and Kevin Greengrass, CV 00-55 Order (Extension of Motion Deadlines) (HCN Tr. Ct., Nov. 3, 2000). The Court extended the deadline to file motions as agreed upon by the parties.

Chloris Lowe, Jr. and Stewart J. Miller v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually and Ho-Chunk Nation Election Board, CV 00-104

HCN Court Fees

Filing Fees	\$35.00
Service of Summons	!In
Person	\$15.00 (or cost if out of state) !By
Mail	\$4.00 (or cost, whichever is greater) !By
the Court	\$0.325 (per mile)
Copying	\$0.10/per page
Faxing	\$0.25/per page (sending and receiving)
Tapes of Hearings	\$10.00/per tape
Deposition Videotape	\$10.00/per tape
Certified Copies	\$0.50/per page
Equipment Rental	\$5.00/per hour
Register a Foreign Order	\$15.00
Appellate filing fees	\$35.00
Admission to Practice	\$50.00
Pro Hac Vice Appearance	\$35.00

Legal Citation Form

Below are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, and Subsection.

HCN CONST., ART. XI, Sec. (or ə) 7.

HCN Const., Art. II, Sec. (or ə) 1(a).

Ho-Chunk Nation Court System
P.O. Box 70
Black River Falls, WI 54615

HCN Ordinances

Ordinance Name, Chapter number, Section/Part/Clause, page.
PERSONNEL POLICIES AND PROCEDURE MANUAL, Ch. 12, Part B, p. 82.
CLAIMS AGAINST PER CAPITA, Sec. (or ə) 6.01(b).

HCN Supreme Court Case Law

Case Name, Case No. (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 89-04 (HCN S. Ct., Aug. 14, 1995).
Smith v. Casino, SU 94-11 *Order* (HCN S. Ct., Dec. 1, 1993).

HCN Trial Court Case Law

Case Name, Case No. (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).
In the Interest of Minor Child X, JV 95-047 (HCN Tr. Ct., May 23, 1994).

Rules of Civil Procedure

HCN. R. Civ. P. 19(B).



Order (Partial Dismissal of Claims) (HCN Tr. Ct., Nov. 3, 2000). The Court determined that the plaintiffs' inclusion of Scenarios 1C and 12A in their *Complaint* was not a case or controversy as the electorate had not selected those proposals. The Court found that the Legislature had constitutionally included three (3) proposals on the Special Redistricting Election ballot. The Court dismissed the plaintiff's claim that the Legislature failed to redistrict within six (6) months of the General Election as the Ho-Chunk Nation Supreme Court has interpreted the term "General Election" to mean the election held on the first Tuesday in June of odd numbered years. The Court determined that it would not consider the plaintiffs claim that the Legislature had violated the equal protection and due process clauses in the INDIAN CIVIL RIGHTS ACT as the HO-CHUNK NATION CONSTITUTION contains the same protections.

Karen Hachey v. Ho-Chunk Casino, CV 00-52 *Stipulation & Order to Amend the Scheduling Order (Extending Deadlines for Dispositive Motions)* (HCN Tr. Ct., Nov. 7, 2000). The Court amended the Scheduling Order as stipulated to by the parties.

Chloris Lowe, Jr. and Stewart J. Miller v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually and Ho-Chunk Nation Election Board, CV 00-104 *Order (Recognizing Right to Challenge)* (HCN Tr. Ct., Nov. 8, 2000). The Court determined that the CONSTITUTION allows substantive, as well as procedural, election challenges. Therefore, this case presents a proper election challenge. The Nation has waived its sovereign immunity through the challenge provision within the CONSTITUTION. Moreover, this case did not present a nonjusticeable political question as the CONSTITUTION

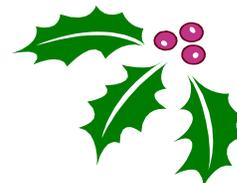
provides that the Court will interpret the CONSTITUTION.

Ho-Chunk Nation v. B & K Builders, Inc. and Ruka & Associates, CV 00-91 *Order (Motion Hearing)* (HCN Tr. Ct., Nov. 13, 2000).

Chloris Lowe, Jr. and Stewart J. Miller v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually and Ho-Chunk Nation Election Board, CV 00-104 *Order (Granting Plaintiffs' Motion for Summary Judgment)* (HCN Tr. Ct., Nov. 13, 2000). The Court determined that the CONSTITUTION mandates that the Legislature shall redistrict and reapportion every five (5) years. The Legislature cannot fulfill this obligation by changing nothing. It was *per se* unconstitutional to include the "No Action or No Change" proposal on the Special Redistricting Election ballot.

In the Matter of the Children: T.A.C., DOB: 10/31/87, T.A.C., DOB: 02/19/90, R.C., DOB: 07/27/92, and O.R.W.E., DOB: 04/07/83, JV 00-24, JV 00-25, JV 00-26, and JV 00-27 *Order (Granting Temporary Guardianship)* (HCN Tr. Ct., Nov. 14, 2000).

In the Matter of the Children: M.E.O., DOB:

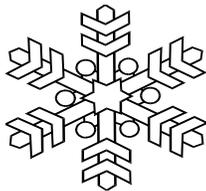


01/27/94, L.R.O., DOB: 09/05/95, F.P., DOB: 10/02/97, A.N.P., DOB: 10/02/97, and R.B.O., DOB: 07/13/99, JV 00-28, JV 00-29, JV 00-30, JV 00-31, and JV 00-32 *Minute Order (Nov. 12, 2000)* (HCN Tr. Ct., Nov. 14, 2000).

In the Matter of the Minor Children: S.M., DOB 11/18/92, K.M., DOB 10/19/93, and S.M., DOB 12/13/95, JV 00-04, JV 00-05, and JV 00-06 *Minute Order (Oct. 24, 2000)* (HCN Tr. Ct., Nov. 15, 2000).

Hocak Federal Credit Union v. Daniel Whiteeagle, CV 00-66 Order (Removing Case from Active Calendar) (HCN Tr. Ct., Nov. 17, 2000). The Court removed the case from the active calendar as: 1) the defendant does not contest the claim, 2) neither party filed a witness list, and 3) neither party appeared at the November 16, 2000 Pre-Trial Conference.

In the Interest of Adult Incompetent: Roberta Goodbear, by Shirley Sahr, Guardian, CV 96-49 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 17, 2000). The Court accepted the accounting for ITF funds released by the Court.



In the Interest of Minor Child: K.C.C., DOB: 09/16/89 by Phyllis Smoke v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-77 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 20, 2000). The Court accepted the accounting for CTF funds released by the Court.

State of Wisconsin/Sauk County and Stacie Osorio v. Edward F. Toppings, Jr., CS 00-30 Judgment (Enforcing Child Support) (HCN Tr. Ct., Nov. 20, 2000). The Court enforced a valid Wisconsin State child support order against the defendant's per capita distributions.

Ho-Chunk Nation Department of Housing, Property Management Division v. Nicole L. Ward, CV 00-09 Order (Satisfaction of Judgment) (HCN Tr. Ct., Nov. 20, 2000). The Court recognized that the defendant had satisfied her debt.

State of Wisconsin, Sauk Co., and Chris W. Crain v. Cheri L. Crain, CS 99-30 Order (Amending Child Support Enforcement and

Releasing Impound) (HCN Tr. Ct., Nov. 20, 2000). The Court amended the current child support obligation as no proof of enrollment in high school or its equivalent was filed for the eldest child.

State of Wisconsin – Sauk County and Joyce St. Cyr v. Robert M. Mobley; State of Wisconsin – Sauk County and Jennifer Stanley v. Robert M. Mobley; State of Wisconsin – Sauk County and Jennifer Stanley v. Robert M. Mobley, CS 99-37, CS 99-38, CS 99-39, and CS 00-04 Order (Granting Plaintiff's Motion to Appear Telephonically) (HCN Tr. Ct., Nov. 20, 2000).

Jacob Lonetree, Forrest Wihterabbit, Elliot Littlejohn, Libby Fairchild, Spencer Lonetree, and Parmenton Decorah v. Robert Funmaker, Darcy Funmaker-Rave, Gloria Visintin and the Ho-Chunk Nation Election Board, CV 00-105 Denial of Preliminary Injunction (HCN Tr. Ct., Nov. 21, 2000). The Court determined that the plaintiffs, who reside outside of Area 1, lacked standing to challenge the holding of the special election to fill the vacancy created when Vice President Clarence Pettibone stepped up to President *pro tempore* after the removal of Jacob Lonetree at the October 21, 2000 General Council. Moreover, as there was a window in which to decide the removal challenge before the declared winner of the seat (likely after a run-off election) would be sworn in, the public interest argued against the granting of the injunction. Moreover, those running for the vacant seat do so with the full understanding that they will only occupy the seat until President *pro tempore* Clarence Pettibone steps down after the swearing in of a new President following the General Election in June of 2001.

In the Interest of: Lucinda V. Littlesoldier, DOB: 02/16/49 by Isabelle Mallory v. HCN Office of Tribal Enrollment, CV 00-106 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 21, 2000).

In the Interest of Minor Child: E.S.D., DOB: 04/25/85 by Dawn M. Decorah v. HCN Office of Tribal Enrollment, CV 00-56 Scheduling Hearing Before Traditional Court (HCN Tr. Ct., Nov. 21, 2000). The Court required the parties to come to a hearing before the Traditional Court so as to ascertain the relevant customs and traditions.

In the Matter of the Children: T.T.G., DOB: 07/24/90 and E.A.G., DOB: 11/12/86, CV 00-97 Order (Denying Request for Second Specified Vehicle) (HCN Tr. Ct., Nov. 21, 2000). The Court denied the parent's request for the vehicle as it exceeded the limitations imposed by the Court. The Court urged the parents to seek the assistance of Property and Procurement.

State of WI/Sauk Co., and Branda J. Serba v. Joshua W. Steindorf, CS 00-31 Order (Modifying Child Support Withholding) (HCN Tr. Ct., Nov. 21, 2000). The Court modified the child support withholding as the respondent had paid off his arrears.

In the Interest of the Minor Child: S.D.B., DOB 07/30/92 by Carol Barnes v. HCN Office of Tribal Enrollment, CV 00-90 Order (Granting CTF Funds for Orthodontics) (HCN Tr. Ct., Nov. 21, 2000). The Court released CTF funds for braces.

Karen Hachey v. Ho-Chunk Casino, CV 00-52 Order to Adjourn (Postpone) Remaining Dates and Deadlines (HCN Tr. Ct., Nov. 21, 2000). The Court adjourned the case until the parties notify the Court that they are ready to proceed.

In the Interest of the Minor Children: E.F., DOB 12/20/88 and C.F., DOB 12/15/89 by Jones R. Funmaker, Sr. v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-109 Order (Petition Granted) (HCN Tr. Ct., Nov. 22, 2000). The Court released CTF funds for braces.

State of Wisconsin/Columbia County and Susie B. Shesky n/k/a Susie B. Decorah v. Howard Ryan, CS 00-02 Order (Child

Support Withholding) (HCN Tr. Ct., Nov. 22, 2000). The Court, based upon an amended Wisconsin State court order, enforced a current child support obligation against the respondent's per capita distributions.

In the Interest of Minor Child: O.R.M., DOB 10/27/00, JV 00-33 Order (Submission of Guardianship Report and Home Study) (HCN Tr. Ct., Nov. 22, 2000).

In the Interest of Minor Child: O.R.M., DOB 10/27/00, JV 00-33 Order (Submission of Traditional Relatives List) (HCN Tr. Ct., Nov. 22, 2000).

In re the Support of S.K.K. State of Wisconsin (Adams Co.) and Janette Marie Beeman v. William Kemp, CS 00-48 Order (Enforcing Child Support) (HCN Tr. Ct., Nov. 22, 2000). The Court enforced a valid Wisconsin State court order for child support against the respondent's per capita distributions.



Lynda Broschardt v. Rainbow Casino and Darren Brinegar in his Individual and Official Capacities, CV 99-109 Order Closing Case (HCN Tr. Ct., Nov. 22, 2000). Consistent with the parties settlement, the Court closed the case.

Debra Knudson v. Ho-Chunk Nation Treasury Department, CV 97-70 Stipulation and Order Adopting Stipulation (HCN Tr. Ct., Nov. 27, 2000).

Eliza M. Green v. Montgomery J. Green, CV 97-54 Order (Amending Child Support) (HCN Tr. Ct., Nov. 27, 2000). Consistent with the amended Wisconsin State court order, the Court amended its enforcement of child support against the respondent's per capita distributions.

State of Wisconsin on behalf of Victoria Blackcoon v. Bryan D. Powless, CS 98-39

Order (Suspending Child Support Withholding) (HCN Tr. Ct., Nov. 27, 2000). The Court suspended the current child support obligation as the child had turned 18 and was no longer in high school or its equivalent.

HCN Department of Housing, Property Management Division v. Sarah Dobbs, CV 00-16 *Order (Postponement)* (HCN Tr. Ct., Nov. 27, 2000). The Court granted the postponement requested by the plaintiff.

State of Wisconsin/Jackson Co. v. Lucinda L. Naquayouma, CS 99-51 *Order (Suspending Child Support Withholding)* (HCN Tr. Ct., Nov. 28, 2000). The Court suspended the current child support obligation as the defendant no longer owes current child support.

Elizabeth Thi Nguyen v. Robert Olivia and Ho-Chunk Casino Transportation Department, CV 00-84 *Order (Scheduling Change)* (HCN Tr. Ct., Nov. 28, 2000). The Court rescheduled the Scheduling Conference due to a conflict of the plaintiff's attorney.

In the Interest of the Minor Child: J.R., DOB 01/13/87 by Barb Rave v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-107 *Order (Petition Granted)* (HCN Tr. Ct., Nov. 29, 2000). The Court released CTF funds for braces.

In the Interest of Minor Children: A.B., DOB



06/28/87, J.B., DOB 04/23/88, and R.B., DOB 04/23/91, JV 00-07, JV 00-08, JV 00-09 Order (Child Protection Review Hearing) (HCN Tr. Ct., Nov. 30, 2000).

Ho-Chunk Nation Supreme Court:

No November decisions.

Recent Filings

Ho-Chunk Nation Trial Court:

Lucinda V. Littlesoldier, DOB: 02/16/49 by *Isabelle Mallory v. Ho-Chunk Nation Office of Tribal Enrollment*, CV 00-106, filed November 1, 2000.

In the Interest of J.R., DOB: 01/13/87 by Barb Rave v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-107, filed November 2, 2000.

Daniel W. Green v. Steven S. Davis, Real Estate Manager, Home Ownership Program, CV 00-108, filed November 3, 2000.

In the Interest of E.F., DOB 12/20/88 and C.F., DOB 12/15/89 by Jones R. Funmaker, Sr. v. Ho-Chunk Nation Office of Tribal Enrollment, CV 00-109, filed November 13, 2000.

State of Wisconsin, Shefflen L. Simons v. Jerry W. Cloud, Jr., CS 00-49, filed November 20, 2000.

State of Wisconsin v. Casey A. Fitzpatrick, CS 00-50, filed November 20, 2000.

Roy Littlegeorge v. Ho-Chunk Nation Business Department, Majestic Pines Hotel, and Christine Brown, CV 00-111, filed November 30, 2000.

Ho-Chunk Nation Supreme Court:

Chloris Lowe, Jr. and Stewart J. Miller v. Ho-Chunk Nation Legislature Members Elliot Garvin, Gerald Cleveland, Sr., Myrna Thompson, Isaac Greyhair, Dallas White Wing, Kevin Greengrass, and Clarence Pettibone in their official capacity and individually and Ho-Chunk Nation Election Board, SU 00-15, filed November 17, 2000.