

HO-CHUNK NATION COURT BULLETIN

August 2010



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8TH CIRCUIT COURT OF APPEALS:

Affirming State Court Jurisdiction to Discipline Attorney Practicing in Tribal Court

On December 11, 2009, the Ho-Chunk Nation Trial Court hosted the 3rd Annual Ethics CLE. During the presentations, the Court identified a North Dakota case suggesting that state courts have jurisdiction to discipline licensed attorneys practicing law within a tribal court. *Gillette v. Edison*, 593 F. Supp. 2d 1063, 1068 (D. N.D. 2009). Thereafter, the 8th Circuit Court of Appeals affirmed the district court's holding that a state disciplinary board may seek disciplinary action against attorneys practicing in tribal courts.

The plaintiff, Vance Gillette, was admitted to practice law in the state of North Dakota. *Id.* at 1065. He is a member of the Three Affiliated Tribes and practices law within the tribal court. *Id.* Gillette was contracted to represent several individuals in a wrongful termination suit against the tribe. *Id.* The clients agreed to pay him a 10% contingency fee. *Id.* During the pendency of the action, Gillette attempted to unilaterally change the contingency fee to 30% of any monetary awards. *Id.* As a result of the lawsuit, each of his clients was awarded \$35,000. *Id.* at 1066. After each of his clients was paid, Gillette sought to enforce the increased percentage in tribal court. *Id.*

One of Gillette's clients filed a complaint with the North Dakota Disciplinary Board regarding the changed contingency fee. *Id.* Subsequently, the Board filed a petition for discipline against Gillette for ethics violations directly related to the complaint. *Id.* Gillette in turn, initiated an action in the federal district court seeking declaratory and injunctive relief to prevent the Board from pursuing a disciplinary action against him. *Id.* Gillette argued that the

state did not have jurisdiction to discipline him for actions arising out of tribal court within reservation boundaries, and that only the Tribal Bar Board had jurisdiction to make disciplinary determinations. *Id.*

The District Court of North Dakota held: (1) that the state supreme court had "jurisdiction to discipline Gillette for professional misconduct regardless of where the misconduct occurred," *id.* at 1068, (2) "[t]he Supreme Court has . . . jurisdiction and authority to discipline an attorney once admitted to practice law in North Dakota, regardless of licensure," *id.* at 1066, (3) that "Gillette has made no showing, nor d[id] the Court find, that state bar disciplinary proceedings against an attorney, for conduct which occurred on an Indian reservation, interferes with reservation affairs," *id.* at 1068, and (4) "the state has a significant interest in maintaining the highest possible ethical standards of conduct of attorneys licensed to practice." *Id.* at 1073.

Gillette appealed the district court's decision to the Eighth Circuit Court of Appeals. Gillette argued, among other things, that North Dakota "lack[ed] valid interests to regulate conduct in tribal court." *Gillette v. Edison*, No. 09-1598, at 3 (8th Cir. Feb. 10, 2010). On February 10, 2010, the Court issued a decision affirming the lower court's findings. The Court established: (1) "th[e] regulation of Gillette's right to practice in North Dakota will not 'infringe on the Tribe's

right to make and administer its own laws,”
id., (quoting *Cournoyer v. Montana*, 512 N.W.2d
479, 480 (S.D. 1994)), and (2) “[w]hen an
attorney’s fitness – and thus the public interest
- - are at stake, the location of the misconduct
may be irrelevant.” *Id.* at 4.



TRIBAL COURT CLERK TRAINING AND 15TH ANNUAL LAW DAY

On October 6-7, 2010, the HCN Trial Court will host a Tribal Court Clerk Training and the Fifteenth Annual Law Day. The Clerk Training is open to current and new clerks. The purpose of the training is to provide clerks with a better understanding of basic legal concepts they might encounter during the course of their service. As in the past, Law Day is designed as a continuing legal education program for legal practitioners, and a community education event for tribal members. The trainings will be held in conjunction with the annual meeting of the Wisconsin Tribal Judge’s Association, Inc., at the Ho-Chunk Trial Court in Black River Falls, WI.

The discussion topics for the Tribal Court Clerk Training will include: Jurisdiction, Confidentiality, Due Process, and Transparency. Additionally, the topics for Law Day will include: Burden of Proof, Waivable Defenses, Dismissals With or Without Prejudice, and Post-Judgment Motions. A complete agenda can be found at our website: <http://www.ho-chunknation.com/?PageId=352>. As always, Law Day will conclude with the annual golf outing. A small fee will be required. All training participants are welcome to attend. The Court is anticipating that the Wisconsin Supreme Court Board of Bar Examiners will award 3 continuing legal education credits this year. Both trainings are free of charge and any questions should be directed to Staff Attorney Rebecca L. Maki at (715) 284-2722.–HCN-

-PUBLIC NOTICE-

HCN CIVIL RULES & PROCEDURES RULE 58 (B) MOTION FOR RECONSIDERATION 45 DAYS PUBLIC COMMENT

THIS PUBLIC COMMENT IS TO PROVIDE PUBLIC NOTICE OF PROPOSED CHANGES TO THE CURRENT HCN RULES OF CIVIL PROCEDURE RULE 58 (B). THE SUPREME COURT IS ALLOWING FORTY-FIVE (45) DAYS OF PUBLIC COMMENT ON THE PROPOSED REVISION CHANGES. THE REVISED LANGUAGE WILL BE CONSIDERED FOR FINAL ADOPTION ON OCTOBER 07, 2010. WRITTEN COMMENTS SHOULD BE PROVIDED BY MAIL, EMAIL OR FAX TO TARI PETTIBONE, SUPREME COURT CLERK. ORAL COMMENTS WILL BE ACCEPTED AT THE OCTOBER MONTHLY MEETING AT THE HCN COURTHOUSE. ANY QUESTION SHOULD BE DIRECTED TO TARI PETTIBONE, HCN SUPREME COURT CLERK.

THANK YOU.

Ho-Chunk Nation Rules of Civil Procedure, Rule 58 (B) which currently reads as follows:

(B) Motion for Reconsideration. Upon motion of the Court or by motion of a party made not later than ten (10) calendar days after entry of judgment, the Court may amend its findings or conclusions or make additional findings or conclusions, amending the judgment accordingly. The motion may be made with a motion for a new trial. If the Court amends the judgment, the time for initiating an appeal commences upon entry of the amended judgment. If the Court denies a motion filed under this Rule, the time for initiating an appeal from the judgment commences when the Court denies the motion on the record or when an order denying the motion is entered, whichever occurs first. If within thirty (30) days after the filing of such motion, and the Court does not decide a motion under this Rule or the judge does not sign an order denying the motion, the motion is considered denied. The time for initiating an appeal from judgment commences in accordance with the *Rules of Appellate Procedure*.

Revised Compromise language:

(B) Motion for Reconsideration. Upon motion of the Court or by motion of a party made not later than ten (10) calendar days after entry of judgment, the Court may amend its findings or conclusions or make additional findings or conclusions, amending the judgment accordingly. The motion may be made with a motion for a new trial. If the Court amends the judgment, the time for initiating an appeal commences upon entry of the amended judgment. If the Court denies a motion filed under this Rule, the time for initiating an appeal from the judgment commences when the Court denies the motion on the record or when an order denying the motion is entered, whichever occurs first. If within thirty (30) days after the filing of such motion, and the Court does not decide a motion under this Rule or the judge does not sign an order denying the motion, the motion is considered denied. The time for initiating an appeal from judgment commences in accordance with the *Rules of Appellate Procedure*.

In addition to the above proposed language, the following language is being added to the revision:

- **Exception.** A *Motion for Reconsideration* may be filed by a party within ten (10) business days after receipt of judgment in cases involving the HOCAK NATION CHILDREN AND FAMILY ACT.



UPDATES FROM OUTSIDE JURISDICTIONS

UNITED STATES COURTS OF APPEALS, 8TH CIRCUIT

United States v. Wisecarver, No. 09-1954, 37 Indian L. Rep. 2063 (8th Cir., Mar. 22, 2010). The U.S. Court of Appeals for the Eighth Circuit reverses the judgment of the district court and remands for vacatur of the judgment of conviction on the depredation count and sentence based on its findings that the district court erred in instructing the jury and the sentence was improper.

UNITED STATES COURTS OF APPEALS, 9TH CIRCUIT

Jeffredo et al. v. Macarro et al., No. 08-55037, 37 Indian L. Rep. 2066 (9th Cir., Dec. 22, 2009; amended Mar. 22, 2010). Affirming the district court's dismissal of appellants' action for lack of subject matter jurisdiction to hear an appeal of former members of the Pechanga Band of the Luiseno Mission Indians who were disenrolled for failing to prove their lineal descent as members of the Band. The U.S. Court of Appeals for the Ninth Circuit holds that the appellants cannot bring their claims under the *habeas corpus* provision of § 1303 of the Indian Civil Rights Act as appellants were not detained and did not exhaust their tribal remedies.

Rincon Band of Luiseno Mission Indians of the Rincon Reservation v. Schwarzenegger, et al., Nos. 08-55809 and 08-55914, 37 Indian L. Rep. 2071 (9th Cir., Mar. 19, 2010). Affirming the district court's finding that the State of California negotiated with the Rincon San Luiseno Band of Mission Indians in bad faith by conditioning its agreement to expand Rincon's class III gaming rights on Rincon's agreement to pay a percentage of its revenues to the State's general fund. The U.S. Court of Appeals for the Ninth Circuit clarifies its holding in *In re Indian Gaming Related Cases*, 331 F.3d 1094 (9th Cir. 2003), as it relates to revenue sharing and holds that: (1) general fund revenue sharing is not "directly related to the operation of gaming activities" and is thus not an authorized subject of negotiation under section 2710(d)(3)(C)(vii) of the Indian Gaming Regulatory Act (IGRA); (2) there is no statutory basis for authorizing tribal-state negotiations over general fund revenue sharing; (3) a state may not take a "hard line" position in IGRA negotiations when it results in a "take it or leave it offer" to the tribe to either accept

non-beneficial provisions outside the permissible scope of sections 2710(d)(3)(C) and 2710(d)(4) of the Act, or go without a compact; and (4) good faith should be evaluated objectively based on the record of negotiations, and a state's subjective belief in the legality of its requests is not sufficient to rebut the inference of bad faith created by objectively improper demands.

Salt River Project Agricultural Improvement and Power District et al. v. Lee et al., No. 09-15306, unpublished, 37 Indian L. Rep. 2096 (9th Cir., Mar. 19, 2010). The U.S. Court of Appeals for the Ninth Circuit finds that the district court erred in ordering the Salt River Project (SRP) to refer its claims to the Secretary of Interior pursuant to grievance procedures in a 1969 lease, and thus reverses and remands on the grounds that the SRP had already submitted its dispute to the Secretary. The Secretary reviewed the substance of the dispute and addressed SRP's request for the Secretary's intervention, and holds that SRP has no further obligation to submit its dispute to the Secretary and its claims are properly before the district court.

United States et al. v. Alpine Land & Reservoir Co. et al., No. 08-16767, unpublished, 37 Indian L. Rep. 2096 (9th Cir., Apr. 7, 2010). In a challenge to the Nevada State Engineer's Ruling 5823 allocating groundwater rights in the Dayton Valley Hydrographic Basin, the U.S. Court of Appeals for the Ninth Circuit reserves the district court's ruling that it lacked subject matter jurisdiction over the action and remands for further proceedings.

United States v. Bell, IV et al., Nos. 05-16154, 05-16157, 05-16158, 05-16187, 05-16189 and 05-16909, 37 Indian L. Rep. 2097 (9th Cir., Apr. 20, 2010). The U.S. Court of Appeals for the Ninth Circuit affirms the district court's judgment in an ongoing action to recoup excess diversions of water and post-judgment water interest arising out of the Truckee Carson Irrigation District's (TCID) refusal to comply with secretarially-prescribed Operating Criteria and Procedures (OCAP) and the provisions of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990, including the court's judgment as to attorneys' fees and costs. The Ninth Circuit, however, holds that the district court did not err in finding TCID liable under the Settlement Act for its violations of OCAP's, but vacates the district court's ruling with respect to prejudgment and post-judgment interest and remands for the court to explain the legal basis for its award of post-judgment interest that must be repaid in water and why prejudgment interest should not be awarded as well, while reversing the court's denial of the government's claims that gauge error was not properly accounted for, and remanding for a recalculation of the amount of diversions based on

the government's published quantities without regard to confidence intervals.

United States et al. v. Orr Water Ditch Co. et al., No. 07-17021, unpublished, 37 Indian L. Rep. 2101 (9th Cir., Apr. 7, 2010). The U.S. Court of Appeals for the Ninth Circuit holds that the district court does not have jurisdiction over an appeal of that part of the Nevada State Engineer's ruling adjudicating the Tahoe Reno Commercial Center's applications for water permits.

UNITED STATES COURTS OF APPEALS, 10TH CIRCUIT

Burrell et al. v. Armijo et al., Nos. 09-2034, 09-2039, and 09-2154, 37 Indian L. Rep. 2102 (10th Cir., Apr. 27, 2010). The U.S. Court of Appeals for the Tenth Circuit reserves the district court's order denying judgment as a matter of law to the Governor of the Santa Ana Pueblo on the basis of sovereign immunity and the order of the district court awarding the appellant's attorney's fees, and affirms the district court's order granting judgment as a matter of law to the Lieutenant Governor of the Santa Ana Pueblo on sovereign immunity grounds and the district court's order striking portions of the appellants' complaint.

Dobbs et al. v. Anthem Blue Cross and Blue Shield, Nos. 07-1398 and 07-1402, 37 Indian L. Rep. 2106 (10th Cir., Mar. 31, 2010). The U.S. Court of Appeals for the Tenth Circuit reserves the district court's finding that the amended statutory definition under the Employee Retirement Income Security Act does not apply retrospectively to the plaintiffs' claims under an insurance plan that qualified as a governmental plan under the amended definition and remands for fact-finding

Ross, Sr. et al. v. Board of Regents of the University of New Mexico et al., No. 08-2253, 37 Indian L. Rep. 2116 (10th Cir., Mar. 23, 2010). The U.S. Court of Appeals for the Tenth Circuit affirms the district court's dismissal of the plaintiff's claims under the New Mexico Tort Claims Act and the court's grant of defendants' motion for summary judgment in an action under New Mexico's Religious Freedom Restoration Act (RFRA), holding that the decedent's father cannot bring an action on the decedent's behalf under New Mexico's RFRA statute in an action arising out of the mishandling of the deceased's body, body parts, and organs.

United States v. Begay, No. 09-2163, 37 Indian L. Rep. 2117 (10th Cir., Apr. 12, 2010). The U.S. Court of Appeals for the Tenth Circuit reverses the district court's decision and remands for further proceedings

on a superseding indictment against the defendant-appellee.



RECENT TRIAL COURT DECISIONS

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil Garnishment (CG), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), Family (FM), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. Due to the great incidence of civil cases before the Court, the category for civil cases is divided into broad sub-categories. In some instances a decision may touch upon other topics that may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

RECENT DECISIONS AND RECENT FILINGS BOTH BEGIN WITH THE DATE WHERE THE PREVIOUS COURT BULLETIN LEFT OFF.



CHILD SUPPORT CASES

AUGUST 26, 2010

Heather (Voller) Zion v. Michael J. Gray, CS 10-33 Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Aug. 26, 2010) (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's wages. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin ex rel. v. Bryan J. Ringer, CS 07-80 Reissued Order: Order (Enforcing Child Support Against Wages) (HCN Tr. Ct., Aug. 26, 2010) (Matha, T).

On February 13, 2008, the Court issued an order in the instant case, and now reissues the order to address clerical mistakes, adjust the child support obligation to accurately reflect the foreign court order, and consider

the recent satisfaction of a significant child support arrearage.

Sherry L. King v. David A. King, CS 10-36 *Default Judgment (Enforcing Child Support Against Wages)* (HCN Tr. Ct., Aug. 26, 2010) (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's wages. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the foreign judgment.

AUGUST 27, 2010

Ellen Frandy v. Roland T. LaBarge, CS 07-25 *Order (Modifying & Enforcing Child Support Against Wages)* (HCN Tr. Ct., Aug. 27, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's recent motion to modify the respondent's child support obligation against his wages. The respondent failed to timely respond, thus the Court granted recognition and enforcement of the motion to modify.

CIVIL GARNISHMENT CASES

AUGUST 5, 2010

In the Matter of Outstanding Obligations of: John L. Castile, CG 09-81 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Aug. 5, 2010) (Matha, T).

The Court closed the file as an agent of the county indicated that the debtor satisfied the judgment.

In the Matter of Outstanding Obligations of: Christopher A. Lichman, CG 09-66 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Aug. 5, 2010) (Matha, T).

The Court closed the file as an agent of the county indicated that the debtor satisfied the judgment.

State Collection Serv., Inc. v. Michael A. Koran, CG 10-61 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Aug. 5, 2010) (Matha, T).

The Court granted the petitioner's request to appear by telephone.

AUGUST 16, 2010

Gunderson Lutheran Clinic v. Allison Redeagle, CG 10-73 *Order (Requiring Amended Petition)* (HCN Tr. Ct., Aug. 16, 2010) (Matha, T).

The Court required an amended petition showing the underlying foreign judgment had been revived.

AUGUST 18, 2010

Creative Finance, Inc. v. Marilyn Whiteeagle, CG 10-66 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 18, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Pinkah L. Greengrass, CG 10-67 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 18, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

The NTO Attorney Network Services v. Mary Metoxen, CG 10-69 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 18, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Midland Credit Management, Inc. v. Stephanie R. Durante, CG 10-71 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 18, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Midland Credit Management, Inc. v. Tammy L. Schavier, CG 10-70 *Order (Default Judgment)* (HCN Tr. Ct., Aug. 18, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

AUGUST 24, 2010

Alliance Collection Agencies, Inc. v. Amber Camancho a/k/a Malone, CG 10-68 *Order (Granting Telephonic Appearance)* (HCN Tr. Ct., Aug. 24, 2010) (Matha, T).

The Court granted the petitioner's request to appear by telephone.

Alliance Collection Agencies, Inc. v. Kathleen S. Radle, CG 08-68 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Aug. 24, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

In the Matter of Outstanding Obligations of: Dawn N. Wilson, CG 09-109 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 25, 2010) (Matha, T).

The Court closed the file as an agent of the county indicated that the debtor satisfied the judgment.

AUGUST 27, 2010

Aspirus Doctors' Clinic, Inc. v. Promise J. Bakken, CG 10-64 Order (Default Judgment) (HCN Tr. Ct., Aug. 27, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Midge Bauer, CG 10-74 Order (Default Judgment) (HCN Tr. Ct., Aug. 27, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Marie A. Wulf, CG 10-75 Order (Default Judgment) (HCN Tr. Ct., Aug. 27, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Lena M. Snowball, CG 10-76 Order (Default Judgment) (HCN Tr. Ct., Aug. 27, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Creditor Recovery Service, LLC v. Patrick L. Houghton, CG 10-78 Order (Default Judgment) (HCN Tr. Ct., Aug. 27, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Dane County Clerk of Courts v. Johna L. Fisher, CG 10-80 Order (Default Judgment) (HCN Tr. Ct., Aug. 27, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.



CIVIL CASES

AUGUST 4, 2010

Susan F. Bosgraff v. Ho-Chunk Nation et al., CV 06-99 Order (Dismissal) (HCN Tr. Ct., Aug. 4, 2010) (Rockman, A).

The respondents filed a stipulation indicating that the parties agreed to settlement and voluntary dismissal of the instant action. Therefore, the Court dismissed the action and closed the file.

AUGUST 5, 2010

Ho-Chunk Nation et al. v. Ho-Chunk Nation GRB, and Kyle M. Funmaker v. Ho-Chunk Nation GRB, and Ho-Chunk Nation et al. v. Ho-Chunk Nation GRB et al., and Sarina Quarderer v. Ho-Chunk Nation GRB et al., CV 10-07, -12, -28, -33 Order (Stay of Proceedings) (HCN Tr. Ct., Aug. 5, 2010) (Matha, T and Rockman, A).

The Court ordered a stay of the proceedings in all of the above-referenced cases in order to further review administrative law and synthesize HCN Supreme Court case law regarding the practice of naming respondents.

AUGUST 23, 2010

In re the Children of Joni Munnell: A.S.W., DOB 01/24/1989; J.W.W., DOB 01/24/1989; D.W.W., DOB 07/06/1992; and S.G.W., DOB 06/26/1993, CV 96-64 Order (Show Cause) (HCN Tr. Ct., Aug. 23, 2010) (Matha, T).

The Court had previously appointed a successor trustee of the estate. The Court had also issued accounting directives that were ignored by the trustee. Therefore, the Court will convene a *Show Cause Hearing* to give the trustee an opportunity to show why she should not be held in contempt.



ADMINISTRATIVE APPEALS

NO DECISIONS AT THIS TIME.



CHILDREN'S TRUST FUND (CTF)

AUGUST 3, 2010

In the Interest of Minor Child: C.G., DOB 05/06/1996, by Joni M. MacIntosh v. HCN Office of Tribal Enrollment, CV 10-65 Order (Petition Granted) (HCN Tr. Ct., Aug. 3, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the petition.

In the Interest of Minor Child: S.M.S.W., DOB 05/12/1994, by Leah K. Winneshiek v. HCN Office of Tribal Enrollment,

CV 10-63 Order (Petition Granted) (HCN Tr. Ct., Aug. 3, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the petition.

AUGUST 4, 2010

In the Interest of Adult CTF Beneficiary: Shawntel L. Smith, DOB 01/03/1986 v. HCN Office of Tribal Enrollment, CV 09-73 Order (Motion Granted) (HCN Tr. Ct., Aug. 4, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the adult beneficiary for costs associated with rent and basic utilities while the petitioner attained her high school education. The petitioner filed a motion requesting redirection and further release of CTF monies to address a change in residence. The motion was granted.

AUGUST 5, 2010

In the Interest of Minor Child: E.T.S., DOB 01/28/1999, by Rosalind K. Falcon v. HCN Office of Tribal Enrollment, CV 10-70 Order (Petition Granted) (HCN Tr. Ct., Aug. 5, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the petition.

In the Interest of Minor Child: K.F., DOB 01/10/1998, by Cheryl J. Funmaker v. HCN Office of Tribal Enrollment, CV 10-71 Order (Petition Granted) (HCN Tr. Ct., Aug. 5, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the petition.

AUGUST 16, 2010

In the Interest of Minor Child: O.M.A., DOB 04/26/2001, by Rhonda Anderson v. HCN Office of Tribal Enrollment, CV 10-69 Order (Petition Granted) (HCN Tr. Ct., Aug. 16, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the petition.

In the Interest of Minor Child: N.S., DOB 01/20/1997, by Missy Sposito Elliot v. HCN Office of Tribal Enrollment, CV 10-62 Order (Motion Hearing) (HCN Tr. Ct., Aug. 16, 2010) (Matha, T).

The Court scheduled a hearing on the matter so as to grant the respondent the ability to argue their motion

to dismiss, and to provide the petitioner the opportunity to respond.

AUGUST 19, 2010

In the Interest of Minor Child: D.E.A., DOB 12/09/1994, by Jamie L. Funmaker v. HCN Office of Tribal Enrollment, CV 09-92 Order (Motion Granted) (HCN Tr. Ct., Aug. 19, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic care. The petitioner filed a motion requesting further release of CTF monies to cover an unmet patient obligation. The motion was granted.

AUGUST 20, 2010

In the Interest of Minor Child: C.O.L., DOB 09/18/1998, by Angel J. Littlewolf v. HCN Office of Tribal Enrollment, CV 10-73 Order (Petition Granted) (HCN Tr. Ct., Aug. 20, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontic procedures. The Court granted the petition.

In the Interest of Minor Child: C.L.M., DOB 05/26/1998, by Karen L. Klongland v. HCN Office of Tribal Enrollment, CV 09-69 Order (Demanding Accounting & Commencement of Repayment Obligation) (HCN Tr. Ct., Aug. 20, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with the family mortgage. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting. Furthermore, the Court included a partial reimbursement obligation in accordance with past practice. The petitioner failed to satisfy the repayment obligation; therefore, the Court ordered the petitioner to begin payment.

AUGUST 24, 2010

In the Interest of Minor Children: K.B.M., DOB 10/29/1993, and A.D.M., DOB 04/25/1997, by Antoinette Thayer v. HCN Office of Tribal Enrollment, CV 10-72 Order (Petition Granted) (HCN Tr. Ct., Aug. 24, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontic procedures. The Court granted the petition.

In the Interest of Minor Child: K.T., DOB 09/27/1998, by Mark Thundercloud v. HCN Office of Tribal Enrollment, CV 10-35 Order (Requesting Accounting) (HCN Tr. Ct., Aug. 24, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

AUGUST 25, 2010

In the Interest of Minor Child: R.B.L., DOB 12/03/1996, by Melanie TwoBears v. HCN Office of Tribal Enrollment, CV 09-52 Order (Conditional Dismissal without Prejudice) (HCN Tr. Ct., Aug. 25, 2010) (Rockman, A).

The petitioner failed to submit the requested documentation required for release of the minor child's CTF monies. Due to over six months of inactivity, the Court conditionally dismissed the action.

AUGUST 27, 2010

In the Interest of Adult CTF Beneficiary: Vincent G. Decorah, DOB 11/22/1985 v. HCN Office of Tribal Enrollment, CV 09-16 Order (Reviving Release) (HCN Tr. Ct., Aug. 27, 2010) (Matha, T).

The petitioner satisfied the condition for securing a release of CTF monies for monthly rent. Therefore, the Court revived the requested release of monies.

CONTRACTS

AUGUST 10, 2010

Ho-Chunk North, Wittenberg, Wisconsin; Division of HCN Dept. of Business et al. v. Scott Tatro d/b/a Scott's Trucking, CV 10-06 Order to Dismiss (HCN Tr. Ct., Aug. 10, 2010) (Matha, T).

The Court dismissed the instant action due to a stipulation between the parties.

AUGUST 16, 2010

Ho-Chunk Nation et al. v. Patricia and Donald Smithey, CV 10-59 Order (Dismissal) (HCN Tr. Ct., Aug. 16, 2010) (Rockman, A).

The Court dismissed the instant action due to a repayment agreement made between the parties.

Ho-Chunk Nation et al. v. Jerold and Donna Tranberg, CV 10-60 Order (Dismissal) (HCN Tr. Ct., Aug. 16, 2010) (Rockman, A).

The Court dismissed the instant action due to a repayment agreement made between the parties.

Ho-Chunk Nation et al. v. Norval Lonetree, CV 10-52 Order (Dismissal) (HCN Tr. Ct., Aug. 16, 2010) (Rockman, A).

The Court dismissed the instant action due to a request for dismissal by the plaintiffs.

AUGUST 20, 2010

Ho-Chunk Nation et al. v. Kristopher Decorah, CV 09-101 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 20, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that the respondent satisfied the debt obligation.

AUGUST 24, 2010

Ho-Chunk Nation et al. v. Dodie Topping, CV 09-97 Order (Satisfaction of Judgment) (HCN Tr. Ct., Aug. 24, 2010) (Rockman, A).

The Court closed the file as the petitioner had indicated that the respondent satisfied the debt obligation.

AUGUST 26, 2010

Ho-Chunk Nation v. Money Centers of America, Inc. and MCA of Wisconsin, Inc., CV 10-54 Scheduling Order (HCN Tr. Ct., Aug. 26, 2010) (Rockman, A).

The Court scheduled the proceedings for the instant case.

ELECTION MATTERS

NO DECISIONS AT THIS TIME.

EMPLOYMENT

NO DECISIONS AT THIS TIME.

ENROLLMENT

NO DECISIONS AT THIS TIME.

HOUSING

AUGUST 24, 2010

Ho-Chunk Nation Home Ownership Program et al. v. Zachary D. Thundercloud, CV 10-17 Order (Denying Motion for Summary Judgment) (HCN Tr. Ct., Aug. 24, 2010) (Rockman, A).

The Court had to determine whether to grant the plaintiffs' motion for summary judgment. The Court found that there were genuine issues as to material fact and the plaintiffs were not entitled to judgment as a matter of law. Therefore, the Court denied the motion.

INCOMPETENT'S TRUST FUND (ITF)

AUGUST 12, 2010

In the Interest of Adult Incompetent: B.P.O., DOB 04/03/1934, by Elethe H. Nichols v. HCN Office of Tribal Enrollment, CV 96-46 Order (Motion Granted) (HCN Tr. Ct., Aug. 12, 2010) (Rockman, A).

The Court had to determine whether the permanent guardian could access monies on behalf of an adult incompetent member from the ITF account to pay for

the purchase of a vehicle and annual LP gas costs. The Court granted a release of funds to satisfy the request of the guardian.

AUGUST 25, 2010

In the Interest of Decedent Member: G.G., DOB 01/03/1943, by Alma Miner v. HCN Office of Tribal Enrollment, CV 10-68 Order (Releasing Incompetent's Trust Fund to Estate) (HCN Tr. Ct., Aug. 25, 2010) (Rockman, A).

The Court had to determine whether to release the monies from a decedent tribal member's ITF to the estate. The Ho-Chunk Nation deposited a substantial sum of money in the ITF account prior to the unfortunate passing of the tribal member. These monies remained in an irrevocable trust held by the Ho-Chunk Nation. The Court directed the release of the ITF to the court-appointed representative of the estate.

RECALL/REMOVAL NO DECISIONS AT THIS TIME.

DOMESTIC ABUSE

ALL DOMESTIC ABUSE DECISIONS SHALL REMAIN CONFIDENTIAL. ONE (1) DECISION WAS ISSUED FROM AUGUST 1, 2010 THROUGH AUGUST 31, 2010.

FAMILY

DIVORCE NO DECISIONS AT THIS TIME.

JUVENILE CASES

AUGUST 2, 2010

In the Interest of Minor Children: G.M.F., DOB 11/24/1992; J.P.F., DOB 11/17/1993; R.L.P., DOB 07/13/1997; and R.S.G., DOB 01/28/2000, JV 10-18-21 Order (Entrance of Plea) (HCN Tr. Ct., Aug. 2, 2010) (Matha, T).

The Court convened a *Plea Hearing* in compliance with the CHILDREN'S ACT. At the hearing, the mother of the minor children did not wish to contest the allegations. Accordingly, a *Dispositional Hearing* was scheduled for the mother.

In the Interest of Minor Children: J.C., DOB 04/10/2004, and A.C., DOB 01/31/2006, JV 07-04-05 Order (Entrance of Plea) (HCN Tr. Ct., Aug. 2, 2010) (Matha, T).

The Court convened a *Plea Hearing* in compliance with the CHILDREN'S ACT. At the hearing, the father of the minor children did not wish to contest the allegations.

Accordingly, a *Dispositional Hearing* was scheduled for the father.

AUGUST 3, 2010

In the Interest of Minor Child: M.R.S., DOB 02/15/1994, JV 08-36 Order (Appointment of Permanent Guardian) (HCN Tr. Ct., Aug. 3, 2010) (Matha, T).

The Court had to determine whether to appoint a permanent guardian of the person of the minor child. After careful weighing of all the presented evidence, the Court deemed such an appointment within the minor child's best interests.

In the Interest of Minor Children: R.J.C., DOB 05/12/2007, and D.M.C., DOB 04/22/2008, JV 07-34, 08-13 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Aug. 3, 2010) (Matha, T).

The Court had to determine whether to appoint a temporary guardian of the person of the minor children. After careful weighing of all the presented evidence, the Court deemed such an appointment within the minor children's best interests.

AUGUST 4, 2010

In the Interest of Minor Children: A.B., DOB 07/29/1998; S.G., DOB 08/20/2003; K.G., DOB 01/14/2005; and K.G., DOB 11/20/2006, JV 10-05-08 Extended Consent Decree (HCN Tr. Ct., Aug. 4, 2010) (Rockman, A).

Pursuant to the CHILDREN'S ACT, the parties requested to extend the consent decree, previously entered into between the parties, beyond its original timeframe. The Court granted the requested extension.

AUGUST 5, 2010

In the Interest of Minor Child: V.L.S., DOB 01/15/1993, JV 09-30 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 5, 2010) (Rockman, A).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.

In the Interest of Minor Child: B.B.D., JV 10-11 Order (Paternal Dispositional Requirements) (HCN Tr. Ct., Aug. 5, 2010) (Rockman, A).

The Court conducted a *Dispositional Hearing*. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. Parental dispositions were established with the hope of reunifying the family.

In the Interest of Minor Children: R.A.R., DOB 07/30/1995; R.G.R., DOB 02/10/1999; N.A.R., DOB 11/25/1995; and C.L., DOB 05/30/2001, JV 07-23-24, -54 Order (Child

Protection Review Hearing) (HCN Tr. Ct., Aug. 5, 2010) (Matha, T).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.

AUGUST 12, 2010

In the Interest of Minor Children: G.M.F., DOB 11/24/1992, and J.P.F., DOB 11/17/1993, JV 10-18-19 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 12, 2010) (Matha, T).

The Court granted the party's request to appear by telephone.

AUGUST 16, 2010

In the Interest of Minor Child: A.B., DOB 07/25/1994, JV 01-07 Order (Status Hearing Continuance) (HCN Tr. Ct., Aug. 16, 2010) (Rockman, A).

The Court granted respondent's request for an extension of time due to a family tragedy experienced by the mother of the minor child.

In the Interest of Minor Child: G.E.M., DOB 08/25/1995, JV 03-08 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 16, 2010) (Rockman, A).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.

In the Interest of Minor Child: M.M.M., DOB 12/18/2001, JV 09-02 Order (Child Protection Review Hearing) (HCN Tr. Ct., Aug. 16, 2010) (Matha, T).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.

In the Interest of Minor Children: A.E.O., DOB 02/23/2001; D.E.O., DOB 04/12/2002; and V.A.F., DOB 12/22/2005, JV 08-10-12 Order (Termination of Jurisdiction) (HCN Tr. Ct., Aug. 16, 2010) (Rockman, A).

The Court terminated jurisdiction over this case due to the parent completing the dispositional requirements.

AUGUST 17, 2010

In the Interest of Minor Child: M.R.S., DOB 02/15/1994, JV 08-36 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Aug. 2, 2010) (Rockman, A).

The Court appointed GAL Roxanne Whitegull to represent the interests of the minor child.

In the Interest of Minor Child: C.Y., DOB 01/18/1994, JV 05-32 Order (Submission of Guardianship Report) (HCN Tr. Ct., Aug. 17, 2010) (Matha, T).

The Court requested that the *Guardian Ad Litem* prepare and submit a guardianship report to the Court.

AUGUST 19, 2010

In the Interest of Minor Child: T.L.B., DOB 04/06/2004, JV 07-41 Order (Termination of Guardianship & Modification of Dispositional Requirements) (HCN Tr. Ct., Aug. 19, 2010) (Matha, T).

The Court convened a *Removal Hearing* to determine the appropriateness of continuing the temporary guardianship in its present form. At the *Hearing*, the parties agreed to terminate the guardianship, thereby reverting the matter to a child/family protection action. The parties also agreed to modify the former dispositional requirements.

AUGUST 23, 2010

In the Interest of Minor Children: D.S., DOB 06/16/2006; V.S., DOB 07/30/2007; J.S., DOB 04/16/2009; J.S., DOB 05/04/2010; and J.S., DOB 05/04/2010, JV 10-12-16 Order (Reversal of Pleas) (HCN Tr. Ct., Aug. 23, 2010) (Matha, T).

The Court convened a *Trial* to determine whether CFS could prove the allegations within its petition by a preponderance of the evidence. At the *Trial*, the parents of the minor children voluntarily opted to reverse their pleas in order to claim no contest to the allegations. The Court accordingly scheduled a *Dispositional Hearing*.

In the Interest of Minor Children: D.G.W., DOB 11/09/1995, and D.S.W., DOB 02/19/1998, JV 01-19-20 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Aug. 23, 2010) (Rockman, A).

The Court appointed GAL Brenda Neff to represent the interests of the minor children.

AUGUST 24, 2010

In the Interest of Minor Children: J.C., DOB 06/10/2004; A.C., DOB 01/31/2006; R.C., DOB 05/12/2007; and D.C., DOB 04/22/2008, JV 07-04-05, -34, 08-13 Order (Modification of Child Support Judgment) (HCN Tr. Ct., Aug. 24, 2010) (Matha, T).

The Court contemplated modifying the percentage withholding obligation of the mother in relation to ongoing child support, but instead decided to await an anticipated change in the physical custodial arrangement. Regardless, the Court performed a technical modification to the standing child support judgment.

In the Interest of Minor Child: T.M., DOB 07/04/2007, JV 10-17 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Aug. 24, 2010) (Matha, T).

The Court granted the party's request to appear by telephone.

AUGUST 25, 2010

In the Interest of Minor Children: S.M., DOB 11/18/1992; K.M., DOB 10/18/1993; S.M., DOB 12/13/1995; A.M., DOB 09/06/2001; A.M., DOB 06/16/2004; A.M., DOB 03/14/2006; and A.M., DOB 01/26/2010, JV 07-09-14, 10-09 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Aug. 25, 2010) (Rockman, A).

The Court appointed GAL Brenda Neff to represent the interests of the minor children.

AUGUST 26, 2010

In the Interest of Minor Children: G.M.F., DOB 11/24/1992; J.P.F., DOB 11/17/1993; R.L.P., DOB 07/13/1997; and R.S.G., DOB 01/28/2000, JV 10-18-21 Order (Maternal Dispositional Requirements) (HCN Tr. Ct., Aug. 26, 2010) (Matha, T).

The Court conducted a *Dispositional Hearing*. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. Parental dispositions were established with the hope of reunifying the family.



RECENT SUPREME COURT DECISIONS

NO DECISIONS AT THIS TIME.



RECENT TRIAL COURT FILINGS

 **CHILD SUPPORT CASES**

AUGUST 3, 2010

Heather Zion v. Michael J. Gray, CS 10-33 (Matha, T).

*Ho-Chunk Nation Court Bulletin
August 2010, Vol. 16, No. 8*

Becky Doll v. Anthony J. Tipton, CS 10-34 (Matha, T).

AUGUST 5, 2010

Sherry King v. David A. King, CS 10-35 (Matha, T).

AUGUST 13, 2010

Michael Hale v. Melody Greengrass, CS 10-36 (Rockman, A).

AUGUST 16, 2010

State of Wisconsin v. Rebekka Redcloud, CS 10-37 (Matha, T).

State of Wisconsin v. Sammy L. Grainer, Jr., CS 10-38 (Matha, T).

AUGUST 25, 2010

State of Wisconsin v. Melody Greengrass, CS 10-39 (Rockman, A).

Patricia Farnsworth v. Matthew Kurtz, CS 10-40 (Rockman, A).

Candy Villanvera v. Matthew Kurtz, CS 10-41 (Rockman, A).

 **CIVIL CASES**

AUGUST 2, 2010

In the Interest of Minor Child: K.F., DOB 01/10/1998, by Cheryl Funmaker v. HCN Office of Tribal Enrollment, CV 10-71 (Matha, T).

AUGUST 3, 2010

In the Interest of Minor Child: E.T.S., DOB 01/28/1999, by Rosalind Falcon v. HCN Office of Tribal Enrollment, CV 10-70 (Matha, T).

AUGUST 18, 2010

In the Interest of Minor Children: K.B.M., DOB 10/29/1993, and A.D.M., DOB 04/25/1997, by Toni Thayer v. HCN Office of Tribal Enrollment, CV 10-72 (Matha, T).

In the Interest of Minor Child: C.O.L., DOB 09/18/1998, by Angel Littlewolf v. HCN Office of Tribal Enrollment, CV 10-73 (Matha, T).

 **CIVIL GARNISHMENT CASES**

JULY 27, 2010

Dane County v. Johna Fisher, CG 10-80 (Matha, T).

AUGUST 2, 2010

Alliance Collection Agencies v. Midge Bauer, CG 10-74 (Matha, T).

Alliance Collection Agencies v. Marie Wulf, CG 10-75 (Matha, T).

Alliance Collection Agencies v. Lena M. Snowball, CG 10-76 (Matha, T).

Alliance Collection Agencies v. Darrell W. Burns, CG 10-77 (Matha, T).

AUGUST 5, 2010

Creditor Recovery v. Patrick Houghton, CG 10-78 (Matha, T).

AUGUST 6, 2010

Alliance Collection Agencies v. Myrna J. Thompson, CG 10-79 (Matha, T).

AUGUST 11, 2010

Alliance Collection Agencies v. Missy Red Cloud, CG 10-81 (Matha, T).

AUGUST 16, 2010

Black River Memorial Hospital v. Angela K. Ward, CG 10-82 (Matha, T).

Black River Memorial Hospital v. Sandra K. Martin, CG 10-83 (Matha, T).

AUGUST 26, 2010

Creditor Recovery Service v. Delores Greendeer, CG 10-84 (Matha, T).

Nekoosa Cash Advance v. Stuart Beverly, CG 10-85 (Matha, T).

Alliance Collection Agencies v. Amber Camancho a/k/a Malone, CG 10-86 (Matha, T).

Krohn Clinic v. Melissa Marg, CG 10-87 (Matha, T).

 **JUVENILE CASES**
NO CASES FILED AT THIS TIME.

 **FAMILY CASES**
NO CASES FILED AT THIS TIME.

 **DOMESTIC VIOLENCE**
NO CASES FILED AT THIS TIME.



RECENT SUPREME COURT FILINGS

NO CASES FILED AT THIS TIME.



HO-CHUNK NATION COURT SYSTEM JUDICIARY AND STAFF

Supreme Court – Mary Jo B. Hunter, Chief Justice
Joan Greendeer-Lee, Associate Justice
Dennis Funmaker, Associate Justice
Clerk of Court, Supreme Court– Tari Pettibone

Traditional Court – Earl Blackdeer

Wayne Falcon
Dennis Funmaker
Cecil Garvin
Conroy Greendeer
Roy Greengrass
Thomas Hopinkah
Richard Mann
Desmond Mike
Douglas Red Eagle
Preston Thompson, Jr.
Eugene Thundercloud
Morgan Whiteeagle
Clayton Winneshiek

Trial Court – Todd R. Matha, Chief Judge
Amanda L. Rockman, Associate Judge
Clerk of Court, Trial Court – Marcella Cloud
Assistant Clerk of Court, Trial Court – Selina Joshua
Assistant Clerk of Court, Trial Court – Margaret Falcon
Administrative Assistant – Rosalie Kakkak
Bailiff – Al Carrimon
Law Clerk/Staff Attorney – Rebecca Maki
Law Clerk/Staff Attorney – Zach Atherton-Ely

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION
(Eleven federally recognized tribes within the State of Wisconsin)

NATIONAL AMERICAN INDIAN COURT JUDGES
ASSOCIATION
(Region 10 — Illinois, Indiana, Michigan, Minnesota, and
Wisconsin)

HCN Judiciary Fee Schedule

Filing Fees

Complaint.....	\$50.00
Petition for Release of Per Capita Distribution (Children's Trust Fund).....	\$50.00
Motion to Appear Pro Hac Vice.....	\$35.00
Appellate Filing Fee.....	\$50.00
Petition to Register and Enforce Foreign Judgment/Order.....	\$20.00
Marriage License Fee.....	\$50.00

Court Fees

Copying	\$0.10/page
Faxing	\$0.25/page (sending & receiving)
CD of Hearings	\$12.50/CD
Deposition Videotape	\$10.00/tape
Certified Copies.....	\$0.50/page
Equipment Rental	\$5.00/hour
Admission to Practice	\$50.00

Legal Citation Forms

The following are example citation forms by legal reference and
citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, Subsection.
HCN CONST., Art. II, Sec. (or §) 1(a).

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.
ELDER PROTECTION ACT, 4 HCC § 1.
EMPLOYMENT RELATIONS ACT, 6 HCC § 5.
(for detailed citation information consult LEGISLATIVE
ORGANIZATION ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 96-21 (HCN S. Ct., Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number (HCN Tr. Ct., month, day, year)
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)

HO-CHUNK NATION COURT BULLETIN

September 2010 Issue



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THE COMPLEXITIES OF CRIMINAL JURISDICTION IN TRIBAL COURT

PART I: JURISDICTION OVER NONMEMBERS



Police Chief Libke being sworn in by Associate Supreme Court Justice Funmaker

On September 23, 2010, Daniel Libke was sworn in as the Ho-Chunk Nation's first police chief. The ceremony marked a major step in the Nation's assertion of sovereignty over criminal matters. Although it will take time for the law enforcement agency to become fully established, it will obviously have a substantial impact on the Judiciary. Therefore, it is helpful to review some of the basic issues that arise concerning the criminal jurisdiction of tribal courts. Such an expansive topic cannot be fully addressed in one Bulletin article. More articles on this subject will be forthcoming in an effort to provide some background knowledge to members of the Ho-Chunk Nation, the Ho-Chunk Nation Bar

Association, and anyone affected by the Nation's assertion of criminal jurisdiction.

The Ho-Chunk Nation Trial Court will *not* have jurisdiction over crimes committed by non-Indians. This is true even if the crime was committed on tribal trust land and the victim was a member of the Ho-Chunk Nation. A tribal court's lack of criminal jurisdiction over non-Indians is not self-imposed. In *Oliphant v. Suquamish Indian Tribe et al.*, the U.S. Supreme Court (hereinafter Court) definitively held that absent an explicit grant by Congress, tribal courts do not have the criminal jurisdiction necessary to prosecute non-Indians. 435 U.S. 191, 195 (1978).

Oliphant arose out of two crimes allegedly committed by non-Indians, on reservation land, and against members of the Suquamish Tribe. One defendant allegedly assaulted a tribal police officer, and the other allegedly crashed into a tribal police vehicle during a street race. *Id.* at 194. The Court began by applying a Federal common law analysis. In looking at the historical relationship existing between the Federal government and the tribes, the Court found an “unspoken assumption” that tribal courts were without criminal jurisdiction to try non-Indians.

The Court held that from the earliest treaties, it was assumed the tribes did not have criminal jurisdiction over non-Indians. *Id.* at 197. An 1830 Treaty with the Choctaw Tribe did not explicitly forbid tribal criminal jurisdiction over non-Indians. However, the Treaty contained a provision expressing the Tribe’s “wish that Congress may grant to the Choctaws the right of punishing by their own laws any white man who shall come into their nation, and infringe any of their national regulations.” *Id.* The Court determined such a request for affirmative congressional authority was inconsistent with the belief that criminal jurisdiction over non-Indians was inherent in tribal sovereignty. *Id.* at 198.

The Court cites more examples illustrating how Congress, the Executive Branch, and lower Federal courts assumed tribes did not have criminal jurisdiction over non-Indians. Unfortunately, the Court treats the various tribes as a monolithic entity in their relationship with the Federal government. Treating tribes with diverse cultures, languages, histories, and geographic homelands as the same is at best problematic. Some of the examples the Court uses could also reasonably be interpreted to show that tribes did retain the inherent right as a sovereign to prosecute non-Indians.

The Court also relies on prior case law holding that the tribes are “necessarily dependent on [the United States] . . . for their protection from lawless and injurious intrusions into their country.” *Id.* at 207 (citing *Worcester v. Georgia*, 6 Pet. 515, 555 (1832)). The Court determined that a tribal court’s exercise of criminal “jurisdiction over non-Indian citizens of the United States would belie the tribes’ forfeiture of full sovereignty in return for the protection of the United States.” *Id.* at 211. Therefore, although the Court’s decision may be controversial and disappointing, the Ho-Chunk Nation Trial Court will not be able to exercise jurisdiction over crimes committed by non-Indians absent an express grant of such jurisdiction by Congress.

This does not mean crimes committed by non-Indians on tribal trust land will go unpunished. As Wisconsin is a Public Law 280 state, such crimes will be prosecuted in state court. The Court’s decision in *Oliphant* also does not mean tribal police will not be able to arrest non-Indian offenders. How the Ho-Chunk Nation Police Department deals with these situations will largely depend on its internal procedures and agreements with various counties. More information on this subject should be available in the future.

Members of other federally recognized tribes who frequent Ho-Chunk Nation trust land will also be affected by the newly asserted criminal jurisdiction. The Court previously held tribal courts did not have jurisdiction over Indians who were not members of that particular tribe. *Duro v. Reina*, 495 U.S. 676, 679 (1990). In *Duro*, a member of the Torres-Martinez Band of Cahuilla Mission Indians allegedly killed a boy on the Salt River Pima-Maricopa Indian Community Reservation. *Id.* The victim was a member of the Gila River Indian Tribe of Arizona. *Id.* The trial took place on the Salt River Reservation. *Id.*

The Court relied heavily on its decisions in *United States v. Wheeler*, 435 U.S. 313 (1978) and *Oliphant* to hold that the inherent sovereign powers of an Indian tribe do not extend to the activities of nonmembers of the tribe. *Id.* at 687. Subsequent to the Court’s decision in *Duro*, Congress passed what is commonly referred to as the “*Duro* fix.” Under this statute, Congress recognized the inherent power of Indian tribes to exercise criminal jurisdiction over all Indians. 25 USCS § 1301. This statute has been interpreted by the Court to allow tribes to resume exerting criminal jurisdiction over nonmember Indians. See *United States v. Lara*, 541 U.S. 193 (2004). Therefore, the Ho-Chunk Nation will be able to prosecute members of other federally recognized tribes for crimes allegedly committed on the Nation’s trust lands.



NEED FREE ETHICS CLEs? MARK YOUR CALENDAR FOR UPCOMING CONCURRENT CONFLICTS OF INTEREST CLE

On December 10, 2010, the HCN Trial Court will host a free Ethics CLE regarding concurrent conflicts of interest. The CLE is open to all attorneys and will review *HCN SCR 20: 1.7 Conflicts of Interest*. Please note that the Ho-Chunk Nation Supreme Court adopted Wisconsin ethic rules; therefore, the CLE course will be also be useful for Wisconsin State Bar members. As in the past, the CLE will be held at the Ho-Chunk Trial Court in Black River Falls, WI. Any questions should be directed to Staff Attorney Rebecca L. Maki at (715) 284-2722.



UPDATES FROM OUTSIDE JURISDICTIONS

UNITED STATES COURT OF APPEALS, 2ND CIRCUIT

Onieda Indian Nation of New York v. Madison County et al., Nos. 05-6408-cv (L), 06-5168-cv (CON) and 06-5515-cv (CON), 37 Indian L. Rep. 2123 (2nd Cir., Apr. 27, 2010). The U.S. Court of Appeals for the Second Circuit affirms the district court's ruling that the Oneida Indian Nation is immune from a suit to foreclose on property owned by the Oneida Nation for non-payment of taxes and the district court's denial of the Stockbridge-Munsee Community's motion to intervene on grounds that the Community lacked an interest in the litigation.

UNITED STATES COURT OF APPEALS, 3RD CIRCUIT

Unalachtigo Band of the Naticoke Leni Lenape Nation et al. v. Corzine, et al., No. 08-2775, 37 Indian L. Rep. 2129 (3rd Cir., May 25, 2010). In an action under the Nonintercourse Act, 25 USC § 187, by the Unalachtigo Band of the Naticoke Leni Lenape Nation seeking possession of land in New Jersey that previously constituted the Brotherton Indian Reservation, the U.S. Court of Appeals for the Third Circuit reserves the district court's denial of the Stockbridge-Munsee Community's motion to dismiss based on the fact that the district court dismissed the plaintiff's complaint *sua sponte* for lack of standing, and thus no longer retained jurisdiction over the motion to dismiss.

UNITED STATES COURT OF APPEALS, 7TH CIRCUIT

Leonard v. Eastern Illinois University, No. 09-2443, 37 Indian L. Rep. 2131 (7th Cir., May 26, 2010). The U.S. Court of

Appeals for the Seventh Circuit concludes that the appellant lacks evidence that the Eastern Illinois University refused to promote him in retaliation for his civil rights complaints or for any reason other than his relatively poor interview performance and affirms the district court's grant of summary judgment.

UNITED STATES COURT OF APPEALS, 8TH CIRCUIT

Cottier et al. v. City of Martin et al., No. 07-1628, 37 Indian L. Rep. 2133 (8th Cir., May 5, 2010). The U.S. Court of Appeals for the Eighth Circuit sets aside the panel opinion in *Cottier v. City of Martin*, 445 F.3d 1113 (8th Cir. 2006), and holds that it should not be treated as binding circuit precedent, and vacates the district court's February 9, 2007 judgment, and remand the voting rights action with directions to dismiss.

Yankton Sioux Tribe et al. v. Podhradsky et al., Nos. 08-1441 and 08-1488, 37 Indian L. Rep. 2141 (8th Cir., May 6, 2010). Upon remand to the district court for findings relative to the status of Indian lands which are held in trust following the Eighth Circuit's holding in *Yankton Sioux Tribe v. Gaffey*, 188 F.3d 1010 (8th Cir. 1999), *cert. denied*, 530 U.S. 1261 (2000), that the Yankton Sioux Reservation had been diminished rather than disestablished and that some lands retained reservation status. The U.S. Court of Appeals for the Eighth Circuit affirms the district court's conclusion that agency trust lands, outstanding allotments, and Indian Reorganization Act trust lands are part of the Yankton Sioux Reservation and are Indian Country under 18 USC § 1151(a), and the district court's alternative holding that the miscellaneous trust lands constitute a dependent Indian community and are Indian Country under 18 USC § 1511(b). The Court vacates the district court's holding that fee lands continuously held in Indian ownership are reservation under 18 USC § 1511(a), and affirms the district court's denial of all other claims for relief.

Dawn Eagle v. Yerington Paiute Tribe, No 08-16786, 37 Indian L. Rep. 2150 (9th Cir., May 7, 2010). The U.S. Court of Appeals for the Ninth Circuit affirms the district court's denial of appellant's petition for a writ of habeas corpus on the grounds that Indian status is not an essential element of the tribal misdemeanor offense of which the applicant was convicted, and the tribe was not required to prove Indian status beyond a reasonable doubt when the applicant did not timely raise the issue.

Evans et al. v. Department of Interior et al., No 08-35938, 37 Indian L. Rep. 2152 (9th Cir., May 13, 2010). The U.S. Court of Appeals for the Ninth Circuit affirms the district court's order denying the Tulalip Tribe's motion for intervention in an action brought by the Snohomish Tribe of Indians to achieve federal recognition, citing its *en banc* ruling in *U.S. v. Washington*, 593 F.3d 790 (9th Cir. 2010), which held that treaty tribes are not entitled to intervene in recognition decisions to protect against possible future assertions of treaty rights by the newly recognized tribe.



RECENT TRIAL COURT DECISIONS

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil Garnishment (CG), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), Family (FM), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. Due to the great incidence of civil cases before the Court, the category for civil cases is divided into broad sub-categories. In some instances a decision may touch upon other topics that may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

RECENT DECISIONS AND RECENT FILINGS BOTH BEGIN WITH THE DATE WHERE THE PREVIOUS COURT BULLETIN LEFT OFF.

SEPTEMBER 9, 2010

State of Wisconsin ex rel. v. Carleen Rose Smith Jack, CS 03-10 Order (Closing Case) (HCN Tr. Ct., Sep. 9, 2010) (Rockman, A).

The Court closed the case due to the untimely passing of the respondent.

Milwaukee Coutny ex rel. v. Harry Blackhawk, CS 09-63 Order (Closing Case) (HCN Tr. Ct., Sep. 9, 2010) (Rockman, A).

The Court closed the case due to the untimely passing of the respondent.

Lisa J. Rave v. Brent R. St. Cyr., CV 97-97 Order (Closing Case) (HCN Tr. Ct., Sep. 9, 2010) (Matha, T).

The Court closed the case due to the untimely passing of the respondent.

SEPTEMBER 15, 2010

State of Wisconsin v. Stanley WhiteEagle, CV 97-87 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., Sep. 15, 2010) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

William S. Buchanan v. Sonia R. Roberts, CS 04-12, 09-38 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., Sep. 15, 2010) (Rockman, A).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

Brown Co. Child Supp. Agency ex rel. v. Michael S. Smith, CS 08-83 Notice (Child Turning 18 – Requiring Proof of Enrollment) (HCN Tr. Ct., Sep. 15, 2010) (Rockman, A).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

CIVIL GARNISHMENT CASES

SEPTEMBER 1, 2010

Mile Bluff Clinic, LLP v. Dee Parpart, CG 10-65 Order (Default Judgment) (HCN Tr. Ct., Sep. 1, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

SEPTEMBER 7, 2010

Alliance Collection Agencies v. Amber A. Camacho a/k/a Malone, CG 10-68 Order (Petition Denied) (HCN Tr. Ct., Sep. 7, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response and, despite initially providing no cognizable objection to the action, subsequently presented corroborative documentation of a recognized exemption. The Court accordingly denied the request for relief of the petitioner.

Alliance Collection Agencies, Inc. v. Missy Redcloud, CG 10-81 Order (Default Judgment) (HCN Tr. Ct., Sep. 7, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Aspirus Doctors' Clinic, Inc. v. Tina M. Falkner, CG 10-25 Order (Satisfaction of Judgment) (HCN Tr. Ct., Sep. 7, 2010) (Matha, T)

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

In the Matter of Outstanding Obligations of: Tina L. Cochise, CG 10-20 Order (Satisfaction of Judgment) (HCN Tr. Ct., Sep. 7, 2010) (Matha, T)

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

Alliance Collection Agencies, Inc. v. Daniel S. Downing, CG 09-39 Order (Granting Motion to Modify) (HCN Tr. Ct., Sep. 7, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's *Motion to Modify*. The respondent failed to timely respond to the motion; therefore, the Court granted the motion.

SEPTEMBER 9, 2010

In the Matter of Outstanding Obligations of: Waylen D. Green, CG 10-56 Order (Satisfaction of Judgment) (HCN Tr. Ct., Sep. 9, 2010) (Matha, T)

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

Alliance Collection Agencies, Inc. v. John A. Whitewing, CG 09-03 Order (Satisfaction of Judgment) (HCN Tr. Ct., Sep. 9, 2010) (Matha, T)

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

SEPTEMBER 13, 2010

Black River Memorial Hospital v. Angela K. Ward, CG 10-82 Order (Default Judgment) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Sandra L. Martin, CG 10-83 Order (Default Judgment) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

SEPTEMBER 21, 2010

Gundersen Lutheran Clinic v. Allison Redeagle, CG 10-73 Order (Dismissal) (HCN Tr. Ct., Sep. 21, 2010) (Matha, T).

The Court granted petitioner's motion to dismiss.

State Collection Serv., Inc. v. Michael A. Koran, CG 10-61 Order (Granting Telephonic Appearances) (HCN Tr. Ct., Sep. 21, 2010) (Matha, T).

The Court granted the petitioner's request to appear by telephone.

SEPTEMBER 29, 2010

Nekoosa Cash Advance, LLC v. Stuart G. Beverly, CG 10-85 Order (Default Judgment) (HCN Tr. Ct., Sep. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Gary Lawry v. Georgette Jackson, CG 10-88 Order (Default Judgment) (HCN Tr. Ct., Sep. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Aspirus Doctors' Clinic, Inc. v. Amy J. Smedbron, CG 10-72 Order (Default Judgment) (HCN Tr. Ct., Sep. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Alliance Collection Agencies, Inc. v. Darrell W. Burns, CG 10-77 Order (Default Judgment) (HCN Tr. Ct., Sep. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Creditor Recovery Service, LLC v. Dolores A. Greendeer, CG 10-84 Order (Default Judgment) (HCN Tr. Ct., Sep. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Conlee Cox v. Donald Lutz, CG 10-89 Order (Default Judgment) (HCN Tr. Ct., Sep. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Creditor Recovery Services, LLC v. Mitchell J. RedCloud, Jr., CG 09-102 Order (Requiring Amended Petition) (HCN Tr. Ct., Sep. 29, 2010) (Matha, T).

The Court required an amended petition showing the underlying foreign judgment had been revived.

Capital One Bank v. Richard J. Caparelli, CG 10-86 Order (Default Judgment) (HCN Tr. Ct., Sep. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

Krohn Clinic v. Melissa Marg, CG 10-87 Order (Default Judgment) (HCN Tr. Ct., Sep. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The respondent failed to timely respond, thus the Court granted a default judgment in favor of the petitioner.

SEPTEMBER 30, 2010

State Collection Service, Inc. v. Michael A. Koran, CG 10-61 Order (Petition Granted) (HCN Tr. Ct., Sep. 30, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, and the Court scheduled a continued hearing. The respondent, however, failed to attend, causing the Court to grant a judgment in favor of the petitioner.

CIVIL CASES

SEPTEMBER 13, 2010

Claire Billie v. Patrick Collins, CV 10-51 Order (Denying Transfer) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).

The Court had to determine whether to grant the plaintiff's request to transfer a foreign divorce action. The Court denied the transfer since it lacks the capacity to perform modifications to integrated child support provisions.

ADMINISTRATIVE APPEALS

SEPTEMBER 9, 2010

Lisa Nichols v. HCN GRB, CV 10-76 Order (Imposing Stay) (HCN Tr. Ct., Sep. 9, 2010) (Matha, T).

The Court is presently examining the continuing propriety of naming the administrative body as sole respondent in a judicial appeal. The Court consolidated the instant action with the several other cases for purposes of resolving the legal issue. The Court accordingly issued a stay of proceedings for the instant case.

SEPTEMBER 14, 2010

Cheryl Brinegar v. Ho-Chunk Notion Department of Personnel, CV 10-81 Order (Imposing Stay) (HCN Tr. Ct., Sep. 14, 2010) (Matha, T).

The Court is presently examining the continuing propriety of naming the administrative body as sole respondent in a judicial appeal. The Court consolidated the instant action with the several other cases for purposes of resolving the legal issue. The Court accordingly issued a stay of proceedings for the instant case.

CHILDREN'S TRUST FUND (CTF)

SEPTEMBER 2, 2010

In the Interest of Minor Children: J.T.C., DOB 04/26/1996 and D.A.C., DOB 08/01/1997, by Ericka Cloud v. HCN Office of Tribal Enrollment, CV 10-66 Order (Petition Granted) (HCN Tr. Ct., Sep. 2, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontic procedures. The Court granted the petition.

SEPTEMBER 7, 2010

In the Interest of Minor Child: N.S., DOB 01/20/1997, by Missy Elliott v. HCN Office of Tribal Enrollment, CV 10-62 Order (Granting Petition) (HCN Tr. Ct., Sep. 7, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontia, rental assistance, and miscellaneous personal expenses. The Court granted the first enumerated concern, and conditionally granted the remainder.

SEPTEMBER 13, 2010

In the Interest of Minor Child: B.M.F., DOB 12/15/1996, by Jill A. Pettibone v. HCN Office of Tribal Enrollment, CV 10-77 Order (Petition Granted) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontic procedures. The Court granted the petition.

In the Interest of Adult CTF Beneficiary: Cha-Ska Prescott, DOB 05/16/1986 v. HCN Office of Tribal Enrollment, CV 07-22 Order (Partial Release of Contempt Fine) (HCN Tr. Ct., Sep. 13, 2010) (Rockman, A).

The Court had to determine whether to retain the entire contempt fine accrued in the instant case. The petitioner failed to submit an accounting prior to the date upon which the Court indicated that it would purge the fine. The petitioner submitted the accounting approximately two (2) years later. The Court, therefore, required the payment of a diminished contempt fine in accordance with standing practice.

In the Interest of Minor Children: B.Y., DOB 06/30/1992, and D.Y., DOB 09/02/1993, by Judith Youngthunder v. HCN Office of Tribal Enrollment, CV 09-43 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 13, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: K.T., DOB 09/27/1998, by Mark Thundercloud v. HCN Office of Tribal Enrollment, CV 10-35 Order (Accepting Accounting) (HCN Tr. Ct., Sep. 13, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a

receipt, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: M.L.P., DOB 01/24/1996, by Patsy Snowball v. HCN Office of Tribal Enrollment, CV 10-24 Order (Demanding Accounting) (HCN Tr. Ct., Sep. 13, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

In the Interest of Minor Child: K.M.R., DOB 07/24/1998, by Michelle Rave v. HCN Office of Tribal Enrollment, CV 10-22 Order (Demanding Accounting) (HCN Tr. Ct., Sep. 13, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

In the Interest of Minor Children: M.H.W., DOB 12/23/1993; A.H.W., DOB 09/10/1996; and D.H.W., DOB 07/23/1998, by Kathy S. White v. HCN Office of Tribal Enrollment, CV 10-10 Order (Demanding Accounting) (HCN Tr. Ct., Sep. 13, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

In the Interest of Minor Child: E.B.T., DOB 07/24/1998, by Joseph Brown Thunder v. HCN Office of Tribal Enrollment, CV 10-34 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: A.A.G., DOB 11/13/1992, by Michelle Lewis v. HCN Office of Tribal Enrollment, CV 10-32 Order (Accepting Accounting) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with an international educational excursion. The petitioner

submitted an invoice, confirming the proper use of the funds. The Court accepted this accounting.

SEPTEMBER 14, 2010

In the Interest of Adult CTF Beneficiary: Shawntel L. Smith, DOB 01/03/1986 v. HCN Office of Tribal Enrollment, CV 09-73 Order (Accepting Accounting) (HCN Tr. Ct., Sep. 14, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts for costs associated with rent and an outstanding electrical bill. The petitioner submitted a partial accounting for rent, which confirmed proper use of the funds. The Court accepted this accounting. The Court notes, however, that it has not received any accounting for the outstanding electrical bill, and a failure to provide such update and accompanying documentation will result in a suspension of any continuing release of funds.

SEPTEMBER 16, 2010

In the Interest of Minor Children: B.Y., DOB 06/30/1992, and D.Y., DOB 09/02/1993, by Judith Youngthunder v. HCN Office of Tribal Enrollment, CV 09-43 Order (Accepting Accounting) (HCN Tr. Ct., Sep. 16, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a ledger, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: M.R.F., DOB 01/25/1999, by Eileen Funmaker et al. v. HCN Office of Tribal Enrollment, CV 10-78 Order (Petition Granted) (HCN Tr. Ct., Sep. 16, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontic procedures. The Court granted the petition.

SEPTEMBER 17, 2010

In the Interest of Minor Child: M.R.W., DOB 04/05/1995, by Miriam Whiteagle v. HCN Office of Tribal Enrollment, CV 10-80 Order (Petition Granted) (HCN Tr. Ct., Sep. 17, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontic procedures. The Court granted the petition.

SEPTEMBER 21, 2010

In the Interest of Minor Children: K.B.M., DOB 10/29/1993, and A.D.M., DOB 04/25/1997, by Antoinette Thayer v. HCN Office of Tribal Enrollment, CV 10-72 Order (Accepting Accounting) (HCN Tr. Ct., Sep. 21, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a ledger, confirming the proper use of the funds. The Court accepted this accounting.

SEPTEMBER 22, 2010

In the Interest of Minor Child: B.R., DOB 04/08/2000, by Aaron G. Rodriguez v. HCN Office of Tribal Enrollment, CV 10-48 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 22, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: N.P.L., DOB 11/08/2005, by Quyen La v. HCN Office of Tribal Enrollment, CV 10-82 Order (Petition Granted) (HCN Tr. Ct., Sep. 22, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontic procedures. The Court granted the petition.

SEPTEMBER 23, 2010

In the Interest of Minor Child: X.D., DOB 09/17/1999, by Dawn Joy Funmaker v. HCN Office of Tribal Enrollment, CV 10-85 Order (Petition Granted) (HCN Tr. Ct., Sep. 23, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontic procedures. The Court granted the petition.

SEPTEMBER 24, 2010

In the Interest of Minor Child: N.S., DOB 01/20/1997, by Missy Elliot v. HCN Office of Tribal Enrollment, CV 10-62 Order (Addendum to Judgment) (HCN Tr. Ct., Sep. 24, 2010) (Matha, T).

In a previous order the Court conditionally granted a release of CTF monies for purposes of limited rental and clothing assistance. The petitioner filed the appropriate information for the vendors. Therefore, the Court released the additional monies.

In the Interest of Adult CTF Beneficiary: Leon Blackcoon, DOB 07/29/1989 v. HCN Office of Tribal Enrollment, CV 10-29 Order (Petition Granted in Part) (HCN Tr. Ct., Sep. 24, 2010) (Rockman, A).

The Court had to determine whether an adult could access his CTF account to pay for costs associated with

eye care, back taxes, a vehicle, potential schooling, and an attorney. The Court dismissed the requests regarding back taxes, a vehicle, potential schooling, and an attorney, due to inactivity and the petitioner's failure to communicate with the Court regarding appropriate documentation. The Court granted the request for eye care.

SEPTEMBER 28, 2010

In the Interest of Minor Child: W.C., DOB 10/11/1998, by Michelle Mountain v. HCN Office of Tribal Enrollment, CV 10-84 Order (Petition Granted) (HCN Tr. Ct., Sep. 28, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontic procedures. The Court granted the petition.

SEPTEMBER 30, 2010

In the Interest of Minor Child: G.R.H., DOB 08/18/1995, by Wendi A. Huling v. HCN Office of Tribal Enrollment, CV 10-46 Order (Petition Granted) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with a specialized wheelchair. The Court granted the petition.

In the Interest of Minor Child: G.R.H., DOB 08/18/1995, by Wendi A. Huling v. HCN Office of Tribal Enrollment, CV 10-46 Order (Accepting Accounting) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: J.D.S., DOB 12/04/1993, by Angela Parker v. HCN Office of Tribal Enrollment, CV 10-08 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Children: A.V.F., DOB 03/26/1998; D.R.W., DOB 09/22/1992; and D.D.W., DOB 12/16/1994, by Victoria Blackcoon v. HCN Office of Tribal Enrollment, CV 10-45 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: A.W., DOB 09/14/1997, by Angelina Waege v. HCN Office of Tribal Enrollment, CV 10-41 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Children: B.A.T., DOB 09/11/1994, and C.A.T., DOB 07/06/1995, by Rosemary Thundercloud v. HCN Office of Tribal Enrollment, CV 09-68 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: K.G., DOB 10/13/1998, by Clarissa Pettibone v. HCN Office of Tribal Enrollment, CV 08-10 Order (Demanding Accounting) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner has failed to provide accounting as directed by previous judgments. The Court demanded the required accounting.

 **CONTRACTS**

SEPTEMBER 13, 2010

HCN Dept. of Business v. Janet Muir, CV 10-57 Order (Default Judgment) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiff. The defendant failed to answer the complaint despite proper service; therefore, the Court granted the permissible relief sought by the plaintiffs.

SEPTEMBER 21, 2010

Ho-Chunk Nation ex rel. v. Tanya & John Tangney, CV 10-61 Order (Default Judgment) (HCN Tr. Ct., Sep. 21, 2010) (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiff. The defendant failed to answer the complaint despite proper service; therefore, the Court granted the permissible relief sought by the plaintiffs.

Ho-Chunk Nation ex rel. v. Erick & Karen Dodge, CV 10-58 Order (Default Judgment) (HCN Tr. Ct., Sep. 21, 2010) (Matha, T).

The Court had to determine whether to grant the relief requested by the plaintiff. The defendant failed to answer the complaint despite proper service; therefore, the Court granted the permissible relief sought by the plaintiffs.

SEPTEMBER 22, 2010

Ho-Chunk Nation ex rel. v. Sheba Whitegull, CV 10-67 Order (Default Judgment) (HCN Tr. Ct., Sep. 22, 2010) (Matha, T). The Court had to determine whether to grant the relief requested by the plaintiff. The defendant failed to answer the complaint despite proper service; therefore, the Court granted the permissible relief sought by the plaintiffs.

ELECTION MATTERS

NO DECISIONS AT THIS TIME.

EMPLOYMENT

NO DECISIONS AT THIS TIME.

ENROLLMENT

SEPTEMBER 2, 2010

Daria Powless v. HCN Enrollment Committee, CV 10-15 Decision (HCN Tr. Ct., Sep. 2, 2010) (Rockman, A).

The Court had to determine whether to uphold the findings and recommendations of the HCN Tribal Enrollment Committee. The Court declined to affirm the findings and recommendations of the Committee, since the evidence primarily relied on was not properly admitted.

SEPTEMBER 8, 2010

Jenna Littlegeorge v. Adam Hall, et al. and Jenna Littlegeorge v. Tribal Enrollment Committee, CV 09-100, 10-13 Decision (HCN Tr. Ct., Sep. 8, 2010) (Rockman, A).

The Court had to determine whether to uphold the findings and recommendations of the HCN Tribal Enrollment Committee. The Court declined to affirm the findings and recommendations of the Committee, since the General Council has already decided the matter. The Court recognizes the binding force of the General Council's action and interprets the action as a political question best left to the assembled electorate of the Nation.

HOUSING

SEPTEMBER 14, 2010

Ho-Chunk Nation et al. v. Travis Prescott, CV 09-38 Order (Satisfaction of Judgment) (HCN Tr. Ct., Sep. 14, 2010) (Rockman, A).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

INCOMPETENT'S TRUST FUND (ITF)

SEPTEMBER 13, 2010

In the Interest of Adult Incompetent: O.S.R., DOB 05/14/1968, by Roxanne P. Whitegull v. HCN Office of Tribal Enrollment, CV 97-117 Order (Motion Granted) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).

The Court had to determine whether a protective payee could access monies on behalf of an adult incompetent member from the ITF account to pay for institutional cable television charges. The Court granted a release of funds to satisfy the request of the payee.

In the Interest of Adult Incompetent: M.A.F., DOB 04/26/1966, by Kyle M. Funmaker v. HCN Office of Tribal Enrollment, CV 96-87 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 13, 2010) (Rockman, A).

The Court previously released funds from the ITF accounts of the adult member for costs associated with vacation expenses. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Adult Incompetent: B.G.S., DOB 02/07/1980, by Teresa Iverson v. HCN Office of Tribal Enrollment, CV 06-34 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 13, 2010) (Matha, T).

The Court previously released funds from the ITF accounts of the adult member for costs associated with vacation expenses. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

SEPTEMBER 16, 2010

In the Interest of Adult Incompetent: K.K.R., DOB 10/09/1968, by Linda Stone Winter v. HCN Office of Tribal Enrollment, CV 09-10 Order (Accepting Accounting) (HCN Tr. Ct., Sep. 16, 2010) (Rockman, A).

The Court previously released funds from the ITF accounts of the adult member for costs associated with outstanding medical bills. The petitioner submitted a receipt,

confirming the proper use of the funds. The Court accepted this accounting.

SEPTEMBER 22, 2010

In the Interest of Adult Incompetent: K.S.B., DOB 02/19/1960, by Jon B. Bahr v. HCN Office of Tribal Enrollment, CV 05-110 Order (Motion Granted in Part) (HCN Tr. Ct., Sep. 22, 2010) (Rockman, A).

The Court had to determine whether the legal guardian could access additional monies on behalf of an adult incompetent member from the ITF account to increase the ward's personal allowance or living expenses and funds for a small house. The Court granted release of funds to satisfy the request.

SEPTEMBER 30, 2010

In the Interest of E.V.C., DOB 05/31/1936, by Larry James White Feather v. HCN Office of Tribal Enrollment, CV 10-25 Order (Requesting Accounting) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).

The Court previously released funds from the ITF accounts of the adult member for costs associated with residential living. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

RECALL/REMOVAL

NO DECISIONS AT THIS TIME.

DOMESTIC ABUSE

NO DECISIONS AT THIS TIME.

FAMILY

DIVORCE

NO DECISIONS AT THIS TIME.

JUVENILE CASES

JULY 8, 2010

In the Interest of Minor Child: A.B., DOB 07/25/1994, JV 01-07 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., July 8, 2010) (Rockman, A).

The Court appointed GAL Stacey Schreiber to represent the interests of the minor child

AUGUST 10, 2010

In the Interest of Minor Child: R.S.G., DOB 01/28/2000, JV 10-21 Order (Continuance of Plea Hearing) (HCN Tr. Ct., Aug. 10, 2010) (Matha, T).

The Court continued the *Plea Hearing* in order to allow one of the parties to obtain counsel.

SEPTEMBER 2, 2010

In the Interest of Minor Child: T.M., DOB 07/04/07, JV 10-17 Order (Default Judgment & Reversal of Plea) (HCN Tr. Ct., Sep. 2, 2010) (Matha, T).

The Court convened a *Trial*, in compliance with the CHILDREN'S ACT. At the hearing, the mother opted to reverse her plea. The father failed to attend the *Trial*, prompting the Court to enter a default judgment against him. Accordingly, the Court scheduled a *Default Intervention Plan/Dispositional Hearing* for the parents.

SEPTEMBER 7, 2010

In the Interest of Minor Child: S.L.D., DOB 06/06/1994, JV 09-32 Capias Order (HCN Tr. Ct., Sep. 7, 2010) (Rockman, A). The Court directed the Janesville Police Department and/or Rock County Sheriff's Office to assist HCN CFS in the retrieval of the minor child.

In the Interest of Minor Children: B.A.T., DOB 09/11/1994, and C.A.T., DOB 07/06/1995, JV 05-12-13 Order (Scheduling Termination Hearing) (HCN Tr. Ct., Sep. 7, 2010) (Matha, T).

Upon motion of the father, the Court scheduled a *Termination Hearing* and directed the GAL to file a *Best Interests Study*.

In the Interest of Minor Child: A.C., DOB 10/07/2005, JV 08-05 Order (Child Protection Review Hearing) (HCN Tr. Ct., Sep. 7, 2010) (Rockman, A).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.

SEPTEMBER 9, 2010

In the Interest of Minor Child: S.E.C., DOB 02/25/1996, JV 08-21 Order (Appointment of Temporary Guardian) (HCN Tr. Ct., Sep. 9, 2010) (Rockman, A).

The Court had to determine whether to appoint a temporary guardian of the person of minor child. After careful weighing of all the presented evidence, the Court deemed an appointment within the minor child's best interests.

In the Interest of Minor Children: D.S., DOB 06/16/2006; V.S., DOB 07/30/2007; J.S., DOB 04/16/2009; J.S., DOB 05/04/2010; and J.S., DOB 05/04/2010, JV 10-12-16 Order (Dispositional Requirements) (HCN Tr. Ct., Sep. 9, 2010) (Matha, T).

The Court conducted a *Dispositional Hearing*. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. Parental dispositions were established with the hope of reunifying the family.

SEPTEMBER 10, 2010

In the Interest of Minor Child: E.W., DOB 08/02/2005, JV 10-10 Order (Maternal Dispositional Requirements) (HCN Tr. Ct., Sep. 10, 2010) (Rockman, A).

The Court conducted a *Dispositional Hearing*. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. Maternal dispositions were established with the hope of reunifying the family.

SEPTEMBER 13, 2010

In the Interest of Minor Child: S.L.D., DOB 06/06/1994, JV 09-32 Order (Capias Hearing) (HCN Tr. Ct., Sep. 13, 2010) (Rockman, A).

The Court granted CFS discretion to determine physical placement of the minor child with CFS.

In the Interest of Minor Child: A.M.H., DOB 12/12/1995, JV 10-23 Order (Submission of Best Interests & Home Study) (HCN Tr. Ct., Sep. 13, 2010) (Rockman, A).

The Court requested the GAL prepare and submit a *Best Interests Study*.

SEPTEMBER 14, 2010

In the Interest of Minor Children: J.C., DOB 06/10/2004, and A.C., DOB 01/31/2006, JV 07-04-05 Order (Dispositional Requirements) (HCN Tr. Ct., Sep. 14, 2010) (Matha, T).

The Court conducted a *Dispositional Hearing*. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. Parental dispositions were established with the hope of reunifying the family.

SEPTEMBER 15, 2010

In the Interest of Minor Child: A.M.H., DOB 12/12/1995, JV 10-23 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Sep. 15, 2010) (Rockman, A).

The Court appointed GAL Melanie Stacy to represent the interests of the minor child

SEPTEMBER 16, 2010

In the Interest of Minor Children: R.A.R., DOB 07/30/1995; R.G.R., DOB 02/10/1999; N.A.R., DOB 11/25/1996; and C.L., DOB 05/30/2001, JV 07-23-25, 54 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Sep. 16, 2010) (Rockman, A).

The Court appointed GAL Brenda Neff to represent the interests of the minor child

In the Interest of Minor Child: K.L.M., DOB 01/03/2010, JV 10-01 Order (Child Protection Review Hearing) (HCN Tr. Ct., Sep. 16, 2010) (Matha, T).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.

SEPTEMBER 22, 2010

In the Interest of Minor Child: T.M., DOB 07/04/07, JV 10-17 Order (Dispositional Requirements) (HCN Tr. Ct., Sep. 22, 2010) (Matha, T).

The Court conducted a *Default Intervention Plan/Dispositional Hearing*. At the *Hearing*, the Court had to assess the extent and scope of the dispositional recommendations proposed by CFS. Parental dispositions were established with the hope of reunifying the family.

In the Interest of Minor Child: D.R.W., DOB 09/22/1992, JV 01-18 Order (Termination of Jurisdiction) (HCN Tr. Ct., Sep. 22, 2010) (Rockman, A).

The Court terminated jurisdiction over the instant case due to the minor child's emancipation.

In the Interest of Minor Child: S.M., DOB 11/18/1992, JV 07-09 Order (Termination of Jurisdiction) (HCN Tr. Ct., Sep. 22, 2010) (Rockman, A).

The Court terminated jurisdiction over the instant case due to the minor child's emancipation.

SEPTEMBER 20, 2010

In the Interest of Minor Child: S.L.D., DOB 06/06/1994, JV 09-32 Capias Order (HCN Tr. Ct., Sep. 20, 2010) (Rockman, A).

The Court directed the Sauk County Sheriff's Office to assist HCN CFS in the retrieval of the minor child.

SEPTEMBER 23, 2010

In the Interest of Minor Child: S.L.D., DOB 06/06/1994, JV 09-32 Order (Capias Hearing) (HCN Tr. Ct., Sep. 23, 2010) (Rockman, A).

The Court granted CFS discretion to determine physical placement of the minor child with CFS.

In the Interest of Minor Child: S.L.D., DOB 06/06/1994, JV 09-32 Order (Child Protection Review Hearing) (HCN Tr. Ct., Sep. 23, 2010) (Rockman, A).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.

SEPTEMBER 24, 2010

In the Interest of Minor Children: S.M., DOB 11/18/1992; K.M., DOB 10/18/1993; S.M., DOB 12/13/1995; A.M., DOB 09/16/2001; A.M., DOB 06/15/2004; A.M., DOB 03/14/2006; and A.M., DOB 01/26/2010, JV 07-09-14, 10-09 Order (Child Protection Review Hearing) (HCN Tr. Ct., Sep. 7, 2010) (Rockman, A).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.

SEPTEMBER 28, 2010

In the Interest of Minor Child: R.S.G., DOB 01/28/2000, JV 10-21 Order (Default Judgment) (HCN Tr. Ct., Sep. 28, 2010) (Matha, T).

The Court continued a *Plea Hearing*, in compliance with the CHILDREN'S ACT. The father had previously wished to contest the allegations; however, despite proper service, he failed to attend the *Plea Hearing*. The father failed to attend the *Trial*, prompting the Court to enter a default judgment against him.

SEPTEMBER 29, 2010

In the Interest of Minor Children: J.R., DOB 01/09/1995; J.H., DOB 01/20/1996; and R.W.H., DOB 04/14/2001, CU 95-18, JV 97-10, 01-09 Order (Modifying & Enforcing Child Support Sua Sponte) (HCN Tr. Ct., Sep. 29, 2010) (Rockman, A).

Due to the emancipation of a minor child, the Court had to modify the parental child support obligation.

SEPTEMBER 30, 2010

In the Interest of Minor Children: E.D., DOB 12/14/2000; O.A., DOB 09/18/2003; R.A., DOB 10/26/2006; and G.A., DOB 10/31/2008, JV 09-07-10 Order (Child Protection Review Hearing) (HCN Tr. Ct., Sep. 30, 2010) (Rockman, A).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.



RECENT SUPREME COURT DECISIONS

NO DECISIONS AT THIS TIME.



RECENT TRIAL COURT FILINGS



CHILD SUPPORT CASES

AUGUST 25, 2010

Bobbie Starnes v. Daniel Starnes, CS 10-42 (Rockman, A).

Joey Whitewing v. Patricia Bird Nicholas, CS 10-43 (Rockman, A).

Kendra Deyer v. Peter Rerzlaff, CS 10-44 (Rockman, A).

SEPTEMBER 9, 2010

Olga Lopez v. Loebardo Vargas Jr., CS 10-45 (Rockman, A).

SEPTEMBER 13, 2010

State of Wisconsin ex rel. v. Jennifer Dominguez, CS 10-46 (Matha, T).

SEPTEMBER 21, 2010

Henriette L. Marshaw v. Eric D. Beckam, CS 10-47 (Rockman, A).

Hasaner Lewis v. Eric D. Beckam, CS 10-48 (Rockman, A).

SEPTEMBER 23, 2010

State of Wisconsin ex rel. v. Cynthia Hopinka, CS 10-49 (Rockman, A).

SEPTEMBER 29, 2010

State of Wisconsin ex rel. v. Curtis D. Mallory, Jr., CS 10-50 (Matha, T).



CIVIL CASES

JULY 30, 2010

Kevin Greengrass v. HCN Housing, CV 10-75 (Rockman, A).

SEPTEMBER 1, 2010

In the Interest of Minor Child: B.M.D., by Cornelius Decora, CV 10-74 (Matha, T).

SEPTEMBER 3, 2010

Lisa Nicholas v. HCN GRB, CV 10-76 (Matha, T).

SEPTEMBER 7, 2010

In the Interest of Minor Child: B.M.F., DOB 12/15/1996, by Jill Pettibone, CV 10-77 (Rockman, A).

SEPTEMBER 8, 2010

In the Interest of Minor Child: M.R.F., by Eileen Funmaker, CV 10-78 (Rockman, A).

SEPTEMBER 9, 2010

In the Interest of Minor Child: M.G., DOB 10-28/1992, by Matthew Greengrass, CV10-79 (Rockman, A).

In the Interest of Minor Child: M.R.W., DOB 04/05/1995, by Miriam WhiteEagle, CV 10-80 (Rockman, A).

SEPTEMBER 14, 2010

Cheryl Brinegar v. HCN Dep't of Personnel, CV 10-81 (Matha, T)

SEPTEMBER 16, 2010

In the Interest of Minor Child: N.P.L., DOB 11/08/2005, by Quyen La, CV 10-82 (Matha, T).

SEPTEMBER 17, 2010

Duane Arendt v. Dep't of Education, Forrest Funmaker, CV 10-83 (Matha, T).

SEPTEMBER 23, 2010

In the Interest of Minor Child: W.C., DOB 10/11/1998, by Michelle Mountain, CV 10-84 (Rockman, A).

In the Interest of Minor Child: X.D., DOB 09/17/1999, by Dawn Funmaker, CV 10-85 (Rockman, A).

SEPTEMBER 29, 2010

In the Interest of Minor Child: D.H.L., DOB 11/28/1998, CV 10-86 (Matha, T).



CIVIL GARNISHMENT CASES

SEPTEMBER 2, 2010

Gary Lowry v. Georgette Jackson, CG 10-88 (Matha, T).

Conlee Cox v. Donald Lutz, CG 10-89 (Matha, T).

Alliance Collection Agency, Inc. v. Debra L. Swantek, CG 10-90 (Matha, T).

SEPTEMBER 3, 2010

Black River Self Storage v. Luann Littlegeorge, CG 10-91 (Matha, T).

SEPTEMBER 20, 2010

Guy-Robert Detlefsen, Jr. v. Sonia Roberts, CG 10-92 (Matha, T).

Ryan Bros. Ambulance v. Jayco S. Hansen II, CG 10-93 (Matha, T).

Capital One Bank v. Andrea B. Akkerman, CG 10-94 (Matha, T).

SEPTEMBER 23, 2010

Discover Financial Service v. Louis W. Bieringer, CG 10-95 (Matha, T).

SEPTEMBER 30, 2010

Alliance Collection Agencies, Inc. v. Kandi M. Laatsch, CG 10-96 (Matha, T).

Creditor Recovery Services v. Joseph Nakai, CG 10-97 (Matha, T).

Alliance Collection Agencies, Inc. v. Mary S. Combs, CG 10-98 (Matha, T).

Gundersen Lutheran Medical Center, Inc. v. Sommer D. Fleinbrauk, CG 10-99 (Matha, T).



JUVENILE CASES

SEPTEMBER 8, 2010

In the Interest of Minor Child: A.M.H., DOB 12/12/1995, JV 10-23 (Rockman, A).



FAMILY CASES

NO CASES FILED AT THIS TIME.



DOMESTIC VIOLENCE

NO CASES FILED AT THIS TIME.



RECENT SUPREME COURT FILINGS

SEPTEMBER 28, 2010

Leilani Jean Chamberlain v. Adam Hall, HCN Enrollment Officer, SU 10-03.



**HO-CHUNK NATION COURT SYSTEM
JUDICIARY AND STAFF**

Supreme Court – Mary Jo B. Hunter, Chief Justice
Joan Greendeer-Lee, Associate Justice
Dennis Funmaker, Associate Justice
Clerk of Court, Supreme Court– Tari Pettibone

Traditional Court – Earl Blackdeer

Wayne Falcon
Dennis Funmaker
Cecil Garvin
Conroy Greendeer
Roy Greengrass
Thomas Hopinkah
Richard Mann
Desmond Mike

Preston Thompson, Jr.
Eugene Thundercloud
Morgan Whiteeagle
Clayton Winneshiek

Trial Court – Todd R. Matha, Chief Judge
Amanda L. Rockman, Associate Judge
Clerk of Court, Trial Court – Marcella Cloud
Assistant Clerk of Court, Trial Court – Selina Joshua
Assistant Clerk of Court, Trial Court – Margaret Falcon
Administrative Assistant – Rosalie Kakkak
Bailiff – Al Carrimon
Law Clerk/Staff Attorney – Rebecca Maki
Law Clerk/Staff Attorney – Zach Atherton-Ely

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION
(Eleven federally recognized tribes within the State of Wisconsin)

NATIONAL AMERICAN INDIAN COURT
JUDGES ASSOCIATION
(Region 10 — Illinois, Indiana, Michigan, Minnesota, and Wisconsin)

HCN Judiciary Fee Schedule

Filing Fees

<i>Complaint</i>	\$50.00
<i>Petition for Release of Per Capita Distribution</i> (Children's Trust Fund).....	\$50.00
<i>Motion to Appear Pro Hac Vice</i>	\$35.00
Appellate Filing Fee.....	\$50.00
<i>Petition to Register and Enforce Foreign Judgment/Order</i>	\$20.00
Marriage License Fee.....	\$50.00

Court Fees

Copying	\$.10/page
Faxing	\$.25/page (sending & receiving)
CD of Hearings	\$12.50/CD
Deposition Videotape	\$10.00/tape Certified
Copies.....	\$.50/page
Equipment Rental	\$5.00/hour
Admission to Practice	\$50.00

Legal Citation Forms

The following are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, Subsection.
HCN CONST., Art. II, Sec. (or §) 1(a).

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.
ELDER PROTECTION ACT, 4 HCC § 1.
EMPLOYMENT RELATIONS ACT, 6 HCC § 5.
(for detailed citation information consult LEGISLATIVE ORGANIZATION ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).
Johnson v. Department Inc., SU 96-21 (HCN S. Ct., Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number (HCN Tr. Ct., month, day, year)
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)

HO-CHUNK NATION COURT BULLETIN

October 2010 Issue



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The Complexities of Criminal Jurisdiction in Tribal Court

Part II: Double Jeopardy

This is the second article in a series dedicated to providing basic background knowledge about criminal jurisdiction in tribal court. More articles on this topic will be forthcoming. These articles will not be able to cover every possible issue arising from the Ho-Chunk Nation's assertion of criminal jurisdiction. Please feel free to contact the Ho-Chunk Nation Trial Court for more information.

The Ho-Chunk Nation Constitution, United States Constitution, and Wisconsin Constitution all have provisions forbidding the government from subjecting "any person for the same offense to be twice put in jeopardy." HCN CONSTITUTION, ART. X, § 3; U.S. CONST. art. V.; Wis. CONST. art. I, §1. The U.S. Supreme Court in *Wheeler* held that double jeopardy does not apply to separate sovereigns. *United States v. Wheeler*, 435 U.S. 313, (1978). Therefore, criminals prosecuted in the Ho-Chunk Nation's Trial Court can subsequently be prosecuted in Wisconsin State Court, and vice versa.¹

In *Wheeler*, a Navajo member pleaded guilty to disorderly conduct and contributing to the delinquency of a minor in Navajo Tribal Court. *Id.* at 315. Over a year later, that member was charged with statutory rape in the United States District Court for the District of Arizona. *Id.* The Federal court charge arose out of the same actions to which the member pleaded guilty in Navajo Tribal Court.

The Court primarily relied on prior case law to find that double jeopardy did not apply between the Navajo Tribal Court and Federal court. It is a well established doctrine that

"prosecutions under the laws of separate sovereigns do not . . . subject [the defendant] for the same offence to be twice put in jeopardy." *Id.* at 317, (citing *Bartkus v. Illinois*, 359 U.S. 121 (1959); *Abbate v. United States*, 359 U.S. 187 (1959)). The Court held each sovereign had a separate interest in criminalizing the same action and that undesirable consequences would result from applying double jeopardy between them. *Id.* Specifically, the Court was concerned that "[p]rosecution by one sovereign for a relatively minor offense might bar

¹ Such criminals could also be prosecuted in Federal Court for Federal crimes that Wisconsin has not assumed jurisdiction of under Public Law 280.

prosecution by the other for a much graver one, thus effectively depriving the latter of the right to enforce its own laws.” *Id.* at 318.

Bartkus and *Abbate* dealt with the dual sovereignty between states and the Federal government. In *Puerto Rico v. Shell Co.*, the Court held that “successive prosecutions by federal and territorial courts are impermissible because such courts are creations emanating from the same sovereignty.” 302 U.S. 253, 264-266 (1937). Obviously tribes are different from both states and territories. However, Congress does exert a unique amount of control over them. To reconcile these differences, the Court held that the extent of control exercised by one authority over another is not determinative of whether or not double jeopardy applies. *Wheeler*, 435 U.S. at 320. The source of the power under which the prosecutions were undertaken actually determines the applicability of double jeopardy. *Id.*

The Court found that the source of the Navajo Tribe’s power to prosecute was its retained tribal sovereignty. *Id.* at 323-324. Tribes “possess those aspects of sovereignty not withdrawn by treaty or statute, or by implication as a necessary result of their dependent status.” *Id.* at 323 (citing *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978)). The Court found the Navajos never gave up their sovereign power to punish tribal members and that Congress never took this power away from them. *Id.* Therefore, “[s]ince tribal and federal prosecutions are brought by separate sovereigns, they are not ‘for the same offense,’ and the *Double Jeopardy Clause* thus does not bar one when the other has occurred.” *Id.*

Whether or not *Wheeler* is a favorable decision for tribes can be debated. The ruling protects a tribe’s interest in prosecuting its members (for certain crimes) from being subverted by the state or Federal government. However, it also means tribal members can be prosecuted in multiple courts for the same underlying action. This is a heavy burden that tribal members and defense attorneys must be aware of and plan for accordingly.



Ho-Chunk Nation Rules of Civil Procedure, Rule 58(B)— Amended

On October 7, 2010, the Ho-Chunk Nation Supreme Court adopted a revision to *Ho-Chunk Nation Rules of Civil Procedure*, Rule 58(B). *In re Adoption of Revised Ho-Chunk Nation Rules of Civil Procedure* (Oct. 7, 2010). The former Rule stated as follows:

(B) Motion for Reconsideration. Upon motion of the Court or by motion of a party made not later than ten (10) calendar days after entry of judgment, the Court may amend its findings or conclusions or make additional findings or conclusions, amending the judgment accordingly. The motion may be made with a motion for a new trial. If the Court amends the judgment, the time for initiating an appeal commences upon entry of the amended judgment. If the Court denies a motion filed under this Rule, the time for initiating an appeal from the judgment commences when the Court denies the motion on the record or when an order denying the motion is entered, whichever occurs first. If within thirty (30) days after the filing of such motion, and the Court does not decide a motion under this Rule or the judge does not sign an order denying the motion, the motion is considered denied. The time for initiating an appeal from judgment commences in accordance with the *Rules of Appellate Procedure*.

Pursuant to their constitutionally delegated authority to establish written rules for the Judiciary, the Supreme Court revised *HCN R. Civ. P.*, 58(B) so as to include the following language:

“A *Motion for Reconsideration* may be filed by a party within ten (10) business days after receipt of judgment in cases involving the HOCOK NATION CHILDREN AND FAMILY ACT.”

15th Annual Law Day and Tribal Court Clerk Training



Front Row (l to r): Stockbridge-Munsee Associate Judge David Raasch, Oneida Appeals Commissioner Linda Dallas, St. Croix Chippewa Associate Judge Crystal LaPointe, Oneida Appeals Commissioner Mary Adams, Stockbridge-Munsee Associate Judge, Forest County Potawatomi Associate Judge Jeryl Perenich (WTJA Secretary/Treasurer), Oneida Appeals Commissioner Janice McLester, Sokaogon Chippewa Associate Judge Debra Van Zile (seated), Oneida Appeals Chief Judicial Officer Winnifred Thomas, Oneida Appeals Commissioner Jean Webster, Menominee Chief Justice Stephan Grochowski (WTJA Executive Board Member).

Back Row (l to r): Ho-Chunk Nation Chief Judge Todd R. Matha (WTJA Vice-President), Forest County Potawatomi Chief Judge Eugene White-Fish, Lac du Flambeau Chippewa Chief Judge Gary Smith, Lac Courte Oreilles Chippewa Chief Judge James Mohr, Oneida Appeals Commissioner Stanley Webster, Nebraska Winnebago Associate Justice James Botsford, University of Wisconsin-Madison Professor Larry Nesper, Oneida Appeals Commissioner Leland Wigg-Ninham (WTJA President).

On October 6-7, 2010, the Ho Chunk Nation Trial Court hosted its fifteenth Annual “Law Day,” designed as a continuing legal education program for legal practitioners, and a community education event for tribal members. For the fifth year, Law Day was held in conjunction with a quarterly meeting of the Wisconsin Tribal Judges Association, Inc. For the first year, the Court held a Tribal Court Clerks training component. Due to these varying training components, 2010 represents the most well-attended Law Day in the Judiciary’s history.

The Trial Court elected to offer free Tribal Court Clerk training for a variety of reasons. The general state of the economy and the recognized lack of resources for tribes to send their clerks to costly training caused Chief Judge Todd R. Matha to evaluate the issue. The Ho-Chunk Nation Judiciary previously sent clerks to various tribal trainings in Nevada and Colorado, but it found that the application of clerks’ concepts and duties were decidedly pan-Indian, and did not focus on Ho-Chunk specific laws or court procedures. Together Judge Matha, Associate Judge Amanda L. Rockman, and Staff Attorneys Rebecca L. Maki and Zachary H. Atherton-Ely composed a training focused on each tribe’s specific laws and court rules or procedures. The training discussed jurisdiction, confidentiality, due process, and court transparency. Approximately, twenty (20) tribal clerks participated. Tribal clerk participants were generally from Wisconsin. The Judiciary also welcomed a clerk from the Nez Perce Tribal Court in Idaho.

On Thursday, registrants attended Law Day, "Motion Practice," which discussed burdens of proof, affirmative defenses, and dismissals with or without prejudice, and post judgment motions. The event developed into a collaborative experience; a mechanism to share information, concepts, and ideas among Wisconsin tribal courts. In addition, the information was gathered and presented in a format that provided local legal professionals and litigants with the necessary tools and knowledge to litigate actions in the Ho-Chunk Nation Trial Court. If you are interested in receiving copies of the materials used and provided at Law Day, please visit the judicial webpage at www.ho-chunknation.com.



NEED FREE ETHICS CLEs? MARK YOUR CALENDAR FOR UPCOMING CONCURRENT CONFLICTS OF INTEREST CLE

On December 10, 2010, the HCN Trial Court will host a free Ethics CLE regarding concurrent conflicts of interest. The CLE is open to all attorneys and will review *HCN SCR 20: 1.7 Conflicts of Interest*. This year we will also be offering a Webinar type alternative. Any attorneys interested in accessing the CLE via the alternative please contact Rebecca Maki by December 6, 2010. Also, please note that the Ho-Chunk Nation Supreme Court adopted Wisconsin ethical rules; therefore, the CLE course will be also be useful for Wisconsin State Bar members. As in the past, the CLE will be held at the Ho-Chunk Trial Court in Black River Falls, WI. Any questions should be directed to Staff Attorney Rebecca L. Maki at (715) 284-2722.–HCN–



UPDATES FROM OUTSIDE JURISDICTIONS

UNITED STATES COURT OF APPEALS, 8TH CIRCUIT
United States v. Deegan, No. 08-2299, 37 Indian L. Rep. 2155 (8th Cir., May 25, 2010). The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence of a Native American woman for violation of 18 U.S.C. §§ 1111, 1153.

UNITED STATES COURT OF APPEALS, 9TH CIRCUIT
Equal Employment Opportunity Commission v. Peabody Western Coal Company, et al., No. 06-17261, 37 Indian L. Rep. 2172 (9th Cir., June 23, 2010). In an action by the Equal Employment Opportunity Commission alleging discrimination against non-Navajo Indians by the defendant in maintaining an employment preference for Navajo workers at mines that the defendant leases from the Navajo Nation, the U.S. Court of Appeals for the Ninth Circuit held that: (1) the amended complaint does not render it infeasible to join the Navajo Nation but joining the Secretary of the Interior is infeasible; (2) the defendant and the

Navajo Nation may bring a third-party claim against the Secretary for prospective relief under Federal Rule of Civil Procedure 14(a); and (3) the Commission's injunctive claim against the defendant may proceed; and vacated the remainder of the district court's rulings and remanded for further proceedings.

Te-Moak Tribe of Western Shoshone of Nevada et al. v. U.S. Department of Interior et al., No 07-16336, 37 Indian L. Rep. 2179 (9th Cir., June 18, 2010). In an appeal of the district court's denial of the Te-Moak Tribe of Western Shoshone's motion for summary judgment and grant of summary judgment to the U.S. Department of Interior, the U.S. Court of Appeals for the Ninth Circuit affirmed the district court with regard to plaintiffs' claims under the National Historic Preservation Act and Federal Land Policy and Management Act, but reversed and remanded with respect to the plaintiffs' claims that the Bureau of Land Management approved an amendment to the Horse Canyon/Cortex Unified Exploration Project in violation of the National Environmental Policy Act.

United States et al. v. Confederated Tribes of the Colville Indian Reservation et al., Nos. 08-35961 and 08-35963, 37 Indian L. Rep. 2187 (9th Cir., May 27, 2010). The U.S. Court of Appeals for the Ninth Circuit concluded that the Confederated Tribes and Bands of the Yakama Indian Nation and the Wenatchi Tribe retain non-exclusive federal fishing rights at Wenatshapam that they share in common with those who were not successors to a treaty or any agreement with the United States.

UNITED STATES COURT OF APPEALS, 11TH CIRCUIT

Micosukee Tribe of Indians of Florida v. Kraus-Anderson Construction Company, No. 07-13039, 37 Indian L. Rep. 2194 (11th Cir., May 28, 2010). The U.S. Court of Appeals for the Eleventh Circuit reversed the district court and remanded with instructions to the district court to dismiss, for lack of subject matter jurisdiction, and a breach of contract action in which the plaintiff sought to enforce a tribal court judgment.



RECENT TRIAL COURT DECISIONS

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil Garnishment (CG), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), Family (FM), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. Due to the great incidence of civil cases before the Court, the category for civil cases is divided into broad sub-categories. In some instances a decision may touch upon other topics that may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

RECENT DECISIONS AND **RECENT FILINGS** BOTH BEGIN WITH THE DATE WHERE THE PREVIOUS COURT BULLETIN LEFT OFF.



CHILD SUPPORT CASES

OCTOBER 11, 2010

Barbara Ann Gromhoff v. Gregory D. Gromhoff, CS 03-56 Order (*Reinstating Child Supp.*) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court reinstated the current child support obligation until the anticipated date of high school graduation.

Sharon Chamberlain v. Stacey Yellowcloud, CS 08-35 Order (*Arrearage Withholding – Per Capita*) (HCN Tr. Ct., Oct. 11, 2010) (Rockman, A).

The petitioner moved for a cessation of arrearage withholding since the respondent had no outstanding arrearages. The Court granted the motion.

Mary J. Sams v. Daniel L. Sams, CS 09-65 Order (*Modifying & Enforcing Child Supp.*) (HCN Tr. Ct., Oct. 11, 2010) (Rockman, A).

The Court had to determine whether to grant a *Motion* to modify. The petitioner requested a modification of current child support withholding in accordance with Minnesota state law. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin ex rel. v. Rosemarie Powless, CV 97-82 Order (*Cease Withholding – Per Capita*) (HCN Tr. Ct., Oct. 11, 2010) (Rockman, A).

The court ceased withholding from the respondent's per capita for current child support due to the children's emancipation.

State of Wisconsin ex rel. v. Rebekka RedCloud, CS 10-37 Order (*Enforcing Child Supp.*) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court had to determine whether to enforce a *Petition* to enforce a foreign judgment. As the respondent filed the *Petition*, the Court assumed the acquiescence of the parties. The Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin ex rel. v. Ted L. Brown, CS 10-20 Default J. (*Enforcing Child Supp.*) (HCN Tr. Ct., Oct. 11, 2010) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

Katherine Nicholson v. Carl Steen-Wilson, CS 10-27 Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 11, 2010) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin ex rel. v. Carey A. Link, CS 10-24 Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

Joseph Holmes v. Elizabeth Eades, CS 10-26 Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

State of Wisconsin ex rel. v. Joseph Cholka, CS 10-19 Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 11, 2010) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

Melissa Marg v. Norman Snake, Jr., CS 10-28 Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

Michelle Lewis v. Roger B. Littlegeorge, and Melanie Stacy v. Roger B. Littlegeorge, and Felicia J. Helgeson v. Roger B. Littlegeorge, and Dawn D. Makes Strong Move v. Roger B. Littlegeorge, CV 97-91, CS 99-44, -57, -63 Order (Modifying Child Supp. & Equitable Adjustment) (HCN Tr. Ct., Oct. 11, 2010) (Rockman, A).

The Court had to determine whether to grant a Motion to modify. The petitioner in Case No. CS 99-44 requested a modification in current child support withholding. The petitioner afforded the respondent proper notice of the filing. The respondent, however, failed to timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

Rebecca Nunway v. Eldon Powless and Eva Powless v. Eldon Powless, CS 99-23, 08-07 Order (Proof of High School Enrollment Filed) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

Julie M. Schlies v. Timothy E. Tebo, CS 99-24 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court updated the amount of arrears owed for child support withholding.

Kathleen Waukau v. Eldon Powless and Margaret A. King v. Eldon Powless and Rebecca Nunway v. Eldon Powless and State of Wisconsin ex rel. v. Eldon Powless and Eva Powless v. Eldon Powless, CV 96-93, CS 99-22-23, 03-65, 08-07 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court updated the amount of arrears owed for child support withholding in Case No. CS 99-22.

State of Wisconsin ex rel. v. John F. Blackdeer and State of Wisconsin ex rel. v. John F. Blackdeer, CS 02-46, 07-70 Order (Cease Child Supp. Withholding – Per Capita) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court had to determine whether to terminate the respondent's child support obligations in CS 02-46, due to the child's emancipation. In accordance with the underlying court's state law, the Court terminated the respondent's current support obligation in CS 02-46.

State of Wisconsin ex rel. v. Kric V. Pettibone, CS 05-44 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court updated the amount of arrears owed for child support withholding.

OCTOBER 12, 2010

State of Wisconsin ex rel. v. Lewis A. Frogg and State of Wisconsin ex rel. v. Lewis A. Frogg, CS 07-31, 10-21 Default J. (Modifying Child Supp. & Equitable Adjustment) (HCN Tr. Ct., Oct. 12, 2010) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment, and preformed an equitable adjustment due to the respondent's serial payor status.

Francesca J. Bird v. Patricia A. Nicholas and Joey Whitewing v. Patricia A. Bird-Nicholas, CS 07-85, 10-43 Default J. (Modifying Child Supp. & Equitable Adjustment) (HCN Tr. Ct., Oct. 12, 2010) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment, and preformed an equitable adjustment due to the respondent's serial payor status.

State of Wisconsin ex rel. v. Anthony J. Gauthier, CS 10-25 Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 12, 2010) (Matha, T).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

Aimee J. Lefebvre v. Travis Oknewski, CS 10-30 Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 12, 2010) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

OCTOBER 13, 2010

State of Wisconsin ex rel. v. Brian S. LaMere and Sehoja E. Fleischman v. Brian S. LaMere, CS 03-02, -27 Order (Cease Child Supp. & Arrears Withholding – Per Capita) (HCN Tr. Ct., Oct. 13, 2010) (Matha, T).

The court ceased withholding from the respondent's per capita in CS 03-02 for current child support and arrears due to the respondent filing a state termination order.

State of Wisconsin ex rel. v. Kerry Funmaker, CS 03-40 Order (Cease Arrearage Withholding – Per Capita) (HCN Tr. Ct., Oct. 13, 2010) (Matha, T).

The court ceased withholding from the respondent's per capita for arrears due to the petitioner filing a state termination order.

Margaret Newman v. Benjamin J. Boardman, CS 08-22 Order (Cessation of Withholding Against Wages for Current Child Supp.) (HCN Tr. Ct., Oct. 13, 2010) (Rockman, A).

The court ceased withholding from the respondent's wages for current child support due to the respondent filing an order for termination of withholding from state court.

State of Minnesota ex rel. v. Craig S. Moyer and State of Minnesota ex rel. v. Craig S. Moyer, CS 08-45, -75, 09-10 Order (Cease Child Supp. & Arrears Withholding – Per Capita) (HCN Tr. Ct., Oct. 13, 2010) (Matha, T).

The court ceased withholding from the respondent's per capita for current child support and arrears due to the respondents filing state termination orders.

State of Wisconsin ex rel. v. Jerry D. Jones, Jr., CS 07-76 Order (Updating Arrearage Withholding) (HCN Tr. Ct., Oct. 13, 2010) (Matha, T).

The Court updated the amount of arrears owed for child support withholding.

Heather Green v. Edward W. Cloud, CS 10-22 Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 13, 2010) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the

respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

Porfiria Maria Gonzalez v. Eric Brazil Davis and Celina Webster v. Eric B. Davis, CS 02-28, 05-36 Order (Modifying Equitable Adjustment) (HCN Tr. Ct., Oct. 13, 2010) (Matha, T).

The Court had to determine whether to grant a recent Motion to modify. The petitioner in CS 05-36 requested a modification in current child support withholding. The petitioner afforded the respondent proper notice of the filing. The respondent failed to timely respond. Therefore, the Court granted recognition and enforcement of the foreign judgment and performed an equitable adjustment due to the respondent's serial payor status.

William S. Buchanan v. Sonia R. Robers, CS 04-12, 09-38 Order (Proof of High School Enrollment Filed – Wages) (HCN Tr. Ct., Oct. 13, 2010) (Rockman, A).

The Court recognized the proof of high school enrollment filed by the petitioner. Thus, the Court continued the current child support obligation until the anticipated date of high school graduation.

OCTOBER 14, 2010

State of Wisconsin ex rel. v. Stanley WhiteEagle and State of Wisconsin ex rel. v. Stanley G. WhiteEagle, CV 97-87, CS 05-38 Order (Modifying Child Supp. & Arrearage Withholding) (HCN Tr. Ct., Oct. 14, 2010) (Matha, T).

The respondent's support obligation decreased due to the emancipation of a minor child in the earlier case. The Court accordingly reduced the ongoing child support withholding in conjunction with state law. The Court performed a further equitable adjustment in these consolidated actions to reflect the above change.

OCTOBER 15, 2010

Sonia R. Roberts v. William S. Buchanan, CS 09-38 Order (Erratum) (HCN Tr. Ct., Oct. 15, 2010) (Rockman, A).

The Court issued an erratum to correct a clerical mistake.

State of Wisconsin v. Demian T. Decorah and State of Wisconsin v. Demian T. Decorah, CS 10-31-32 Order (Enforcing Child Supp. & Equitable Adjustment) (HCN Tr. Ct., Oct. 15, 2010) (Rockman, A).

The Court had to determine whether to enforce two (2) standing foreign child support orders against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioners' filings. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign

judgments and preformed an equitable adjustment due to the respondent's serial payor status.

State of Wisconsin ex rel. v. Ted L. Brown and State of Wisconsin ex rel. v. Ted L. Brown, CS 00-37, 10-20 Reissued Order: Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 15, 2010) (Rockman, A).

The Court had to determine whether to enforce a standing foreign child support order against the respondent's per capita payments. The Court afforded the respondent proper notice of the petitioner's filing. The respondent failed to file a timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment and preformed an equitable adjustment due to the respondent's serial payor status.

Robert M. Mobley v. Joyce M. St. Cyr and Robert M. Mobley v. Joyce M. St. Cyr, CS 99-37, 00-04 Order (Impounding Per Capita) (HCN Tr. Ct., Oct. 15, 2010) (Rockman, A).

The Court ordered a portion of the respondent's per capita impounded until the Court could reinstate the respondent's child support obligations.

OCTOBER 19, 2010

Kendra Dreyer v. Peter Retzlaff, CS 10-44 Default J. (Enforcing Child Supp. Against Wages) (HCN Tr. Ct., Oct. 19, 2010) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Robert M. Mobley v. Joyce M. St. Cyr and State of Wisconsin ex rel. v. Robert M. Mobley and Robert M. Mobley v. Joyce St. Cyr, CS 99-37-38, 00-04 Order (Releasing Impound & Reinstating Child Supp.) (HCN Tr. Ct., Oct. 21, 2010) (Rockman, A).

The Court had to determine whether to grant the recent request which the Court deemed a Motion to modify arrears withholding. The petitioner afforded the respondent proper notice of the filing. The respondent failed to file a timely answer. The Court granted recognition and enforcement of the foreign judgment and preformed an equitable adjustment. Furthermore, the Court reinstated current child support and arrears obligations previously suspended by the Court.

OCTOBER 29, 2010

State of Wisconsin ex rel. v. Daniel Starnes, CS 10-42 Default J. (Enforcing Child Supp.) (HCN Tr. Ct., Oct. 29, 2010) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Patrice Farnsworth v. Matthew Kurtz, CS 10-40 Order (Child Supp. Hr'g) (HCN Tr. Ct., Oct. 29, 2010) (Rockman, A).

The Court convened a child support hearing due to a request by the respondent. The Court ordered the respondent to provide documentation regarding his current child support payment obligations.

State of Wisconsin ex rel. v. Justin D. Littlewolf, CS 02-39 Order (Modifying Child Supp.) (HCN Tr. Ct., Oct. 29, 2010) (Matha, T).

The Court had to determine whether to grant a Motion to modify. The petitioner in Case No. CS 99-44 requested a modification in current child support withholding. The petitioner afforded the respondent proper notice of the filing. The respondent, however, failed to timely answer. Therefore, the Court granted recognition and enforcement of the foreign judgment.

CIVIL GARNISHMENT CASES

OCTOBER 11, 2010

Mile Bluff Clinic, LLP v. Marie R. Thieme, CG 10-34 Order (Satisfaction of J.) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

Boscobel Area Health Care v. James Schier CG 10-33 Order (Satisfaction of Judgment) (HCN Tr. Ct., Oct. 11, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

OCTOBER 15, 2010

Alliance Collection Agencies, Inc. v. Debra L. Swantek, CG 10-90 Order (Petition Granted) (HCN Tr. Ct., Oct. 15, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent filed a timely response, but failed to provide a cognizable objection to the action. The Court, therefore, granted the relief requested by the petitioner.

OCTOBER 21, 2010

Ryan Bros. Ambulance, Inc. v. Jayco S. Hansen II, CG 10-93 Order (Default J.) (HCN Tr. Ct., Oct. 21, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Dean Health System v. Richard Cohoon, CG 10-17 Order (Satisfaction of J.) (HCN Tr. Ct., Oct. 21, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

Capital One Bank v. Andrea B. Akkerman, CG 10-94 Order (Default J.) (HCN Tr. Ct., Oct. 21, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Community Dental, LLC v. Gloria Ward, CG 10-57 Order (Satisfaction of J.) (HCN Tr. Ct., Oct. 21, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

Lebakkens Rent to Own v. Jennifer J. Dominguez, CG 10-46 Order (Satisfaction of J.) (HCN Tr. Ct., Oct. 21, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

Guy-Robert Detlefsen, Jr. v. Sonia Roberts, CG 10-92 Order (Granting Telephonic Appearances) (HCN Tr. Ct., Oct. 21, 2010) (Matha, T).

The Court granted the petitioner's request to appear by telephone.

Creative Finance, Inc. v. Paulette Mathewson, CG 09-108 Order (Granting Motion to Modify) (HCN Tr. Ct., Oct. 21, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's Motion to Modify. The respondent failed to timely respond to the motion; therefore, the Court granted the motion.

OCTOBER 26, 2010

Alliance Collection Agencies, Inc. v. Kandi M. Laatsch, CG 10-96 Order (Default J.) (HCN Tr. Ct., Oct. 26, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Creditor Recovery Service, LLC v. Joseph Nakai, CG 10-97 Order (Default J.) (HCN Tr. Ct., Oct. 26, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Gundersen Lutheran Medical Center, Inc. v. Sommer D. Steinbrink, CG 10-99 Order (Default J.) (HCN Tr. Ct., Oct. 26, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Dane County Clerk of Courts v. Johna L. Fisher, CG 10-74 Order (Satisfaction of J.) (HCN Tr. Ct., Oct. 26, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

CIVIL CASES

OCTOBER 25, 2010

Rita A. Gardner v. Tracy Littlejohn et al., CV 10-47 Order (Mot. Hr'g) (HCN Tr. Ct., Oct. 25, 2010) (Rockman, A).

The Court, in its discretion, determined to convene a hearing so as to grant the defendants the ability to argue a previously filed *Motion to Dismiss*. The Court scheduled a *Motion Hearing*.

Rita A. Gardner v. Tracy Littlejohn, et al. CV 10-47 Order (Mot. Hr'g) (HCN Tr. Ct., Oct. 25, 2010) (Rockman, A).

The Court, in its discretion, determined to convene a hearing so as to grant the defendants the ability to argue a previously filed *Motion for Summary Judgment*. The Court scheduled a *Summary Judgment Hearing*.

ADMINISTRATIVE APPEALS

OCTOBER 5, 2010

Andrew Thundercloud v. HCN GRB, CV 10-87 Order (Imposing Stay) (HCN Tr. Ct., Oct. 5, 2010) (Rockman, A).

The Court is presently examining the continuing propriety of naming the administrative body as sole respondent in a judicial appeal. The Court consolidated the instant action with the several other cases for purposes of resolving the legal issue. The Court accordingly issued a stay of proceedings for the instant case.

OCTOBER 8, 2010

Kenneth Lee Twin v. HCN GRB et al. and HCN GRB et al. v. Kenneth Lee Twin et al., CV 08-79, 08-83 Order (Final J.) (HCN Tr. Ct., Oct. 8, 2010) (Rockman, A).

The Court had to determine whether to uphold the decision of the GRB. The Court also had to determine whether to grant the Department of Personnel's *Motion to Re-Open Briefing, or Alternatively, to Foreclose Briefing by Any Party*, or whether to grant the GRB's *Motion to Dismiss* contained within CV 08-83. The Court affirmed in part the GRB's decision and reversed in part. The Court denied the Department of Personal's *Motion* in CV 08-83. Thus, the GRB's *Motion to Dismiss* did not need to be addressed.

CHILDREN'S TRUST FUND (CTF)

JUNE 4, 2010

In the Interest of Adult CTF Beneficiary: Athena Smekofske, DOB 04/04/1989 v. HCN Office of Tribal Enrollment, CV 09-102 Order (Dismissal) (HCN Tr. Ct., June 4, 2010) (Rockman, A).

The Court previously released funds from the petitioner's CTF in order for the petitioner to begin the process of attaining her high school diploma. The petitioner, through telephonic communication, indicated that she would pursue her education through other means. The American School Admissions Department returned the check, and indicated that the petitioner did not fill out an application for the aforementioned department. The Court dismissed the instant case.

OCTOBER 5, 2010

In the Interest of Minor Child: D.H.L., DOB 11/28/1998, by Francesca J. Bird v. HCN Office of Tribal Enrollment, CV 10-86 Order (Pet. Granted) (HCN Tr. Ct., Oct. 5, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontia. The Court granted the request.

In the Interest of Minor Child: B.E.W., DOB 03/26/1998, by Joan E. Wilson v. HCN Office of Tribal Enrollment, CV 08-21 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 5, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.

OCTOBER 12, 2010

In the Interest of Minor Child: M.L.P., DOB 01/24/1996, by Patsy Snowball v. HCN Office of Tribal Enrollment, CV 10-24 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 12, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.

OCTOBER 14, 2010

In the Interest of Adult Beneficiary: Vincent G. Decorah, DOB 11/22/1985 v. HCN Office of Tribal Enrollment, CV 09-16 Order (Granting Mot.) (HCN Tr. Ct., Oct. 14, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request for an additional release of CTF monies for costs associated with an outstanding debt obligation and general familial expenses. Since the petitioner fulfilled the requirements for release of the corpus of his CTF and processing delays stalled the release of his corpus, the Court granted the petitioner's request.

In the Interest of Minor Child: K.M.R., DOB 07/24/1998, by Michelle S. Rave v. HCN Office of Tribal Enrollment, CV 10-22 Order (Show Cause.) (HCN Tr. Ct., Oct. 14, 2010) (Rockman, A).

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

OCTOBER 15, 2010

In the Interest of Minor Child: M.R.W., DOB 04/05/1995 v. HCN Office of Tribal Enrollment, CV 10-80 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 15, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a

receipt, confirming the proper use of the funds. The Court accepted this accounting.

OCTOBER 21, 2010

In the Interest of Minor Children: M.H.W., DOB 12/23/1993; A.H.W., DOB 09-10/1996; and D.H.W., DOB 07/23/1998, by Kathy S. White v. HCN Office of Tribal Enrollment, CV 10-10 Order (Show Cause.) (HCN Tr. Ct., Oct. 21, 2010) (Rockman, A).

The Court had previously released funds from the minor child's CTF for costs associated with orthodontic procedures. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

CONTRACTS

OCTOBER 12, 2010

HCN et al. v. Eliza Green aka Liza Green et al., CV 10-38 Order (Mot. Hr'g) (HCN Tr. Ct., Oct. 12, 2010) (Matha, T).

The Court, in its discretion, determined to convene a hearing so as to grant the respondents the ability to argue a previously filed *Motion for Summary Judgment*. The Court scheduled a *Motion Hearing*.

HCN Dep't of Education et al. v. Tricia Zunker, CV 10-64 Order (Mot. Hr'g) (HCN Tr. Ct., Oct. 12, 2010) (Rockman, A).

The Court, in its discretion, determined to convene a hearing so as to provide the plaintiffs the opportunity to offer a response to the defendant's motions. The Court scheduled a *Motion Hearing*.

ELECTION MATTERS

NO DECISIONS AT THIS TIME.

EMPLOYMENT

OCTOBER 21, 2010

Ho-Chunk Nation et al. v. Nicole Koenig, CV 10-37 Order (Addressing the Summ. J. Mot. Hr'g) (HCN Tr. Ct., Oct. 21, 2010) (Rockman, A).

The Court failed to inform the *pro se* litigant that the case may not proceed to trial if the Court could determine any issues of law upon the factual record available. The defendant cannot merely rely upon previous submissions or assertions, but must refer to evidence contained in affidavits, business records, discovery responses, and other comparable forms of physical evidence. Due to this procedural error, the Court provided the defendant two (2) weeks to provide the aforementioned documents.

 **ENROLLMENT**

NO DECISIONS AT THIS TIME.

 **HOUSING**

OCTOBER 15, 2010

Ho-Chunk Nation et al. v. Jenny Sickles, CV 09-46 Order (Addressing the Summ. J. Mot. Hr'g) (HCN Tr. Ct., Oct. 15, 2010) (Rockman, A).

The Court failed to inform the *pro se* litigant that the case may not proceed to trial if the Court could determine any issues of law upon the factual record available. The defendant cannot merely rely upon previous submissions or assertions, but must refer to evidence contained in affidavits, business records, discovery responses, and other comparable forms of physical evidence. Due to this procedural error, the Court provided the defendant two (2) weeks to provide the aforementioned documents.

 **INCOMPETENT'S TRUST FUND (ITF)**

OCTOBER 18, 2010

In the Interest of Adult Incompetent: E.V.C., DOB 05/31/1936, by Larry James White Feather v. HCN Office of Tribal Enrollment, CV 10-25 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 18, 2010) (Rockman, A).

The Court previously released funds from the ITF account of the adult member for costs associated with residential living. The petitioner submitted an account ledger, confirming the proper use of the funds. The Court accepted this accounting.

OCTOBER 19, 2010

In the Interest of Adult Incompetent: H.C., DOB 01/31/1931, by Barbara Meltesen v. HCN Office of Tribal Enrollment, CV 05-72 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 19, 2010) (Rockman, A).

The Court previously released funds from the ITF account of the adult member for costs associated with ongoing nursing home care and professional guardianship service fees. The petitioner submitted a series of invoices, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Adult Incompetent: M.A.F., DOB 04/26/1966 v. HCN Office of Tribal Enrollment, CV 10-25 Order (Accepting Accounting) (HCN Tr. Ct., Oct. 19, 2010) (Rockman, A).

The Court previously released funds from the ITF account of the adult member for costs associated with vacation expenses. The petitioner submitted an account statement, confirming the proper use of the funds. The Court accepted this accounting.

OCTOBER 26, 2010

In the Interest of Adult Incompetent: L.R., DOB 03/04/1956, by Maynard Rave, Sr. v. HCN Office of Tribal Enrollment, CV 08-24 Order (Contempt) (HCN Tr. Ct., Oct. 26, 2010) (Rockman, A).

The Court had to determine whether to hold the petitioner in contempt of court for knowingly violating the express terms of several judgments. The petitioner attended the *Show Cause Hearing*, nonetheless he could not rebut the *prima facie* showing of contempt. The Court, therefore, held the petitioner in contempt and imposes a reasonable remedial sanction.

OCTOBER 26, 2010

In the Interest of Decedent Member: L.L.L., DOB 09/18/1948, by Bertha Lowe v. HCN Office of Tribal Enrollment, CV 110-89 Order (Requesting Documentation) (HCN Tr. Ct., Oct. 29, 2010) (Rockman, A).

The Court had to determine whether to release monies from a decedent tribal member's ITF to the estate. The Ho-Chunk Nation had deposited a substantial sum of money in the ITF account prior to the unfortunate passing of the tribal member. These monies remain in an irremovable trust held by the Nation and administered by Fifth Third Bank. The Court requested a county court order declaring the petitioner to be the personal representative of the decedent's estate before it can release the ITF to the estate.

 **RECALL/REMOVAL**

NO DECISIONS AT THIS TIME.

 **DOMESTIC ABUSE**

NO DECISIONS AT THIS TIME.

 **FAMILY** **DIVORCE**

OCTOBER 3, 2010

David A. WhiteEagle v. Sheila WhiteEagle, FM 10-02 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Oct. 5, 2010) (Matha, T).

The Court granted the petitioner's request to appear by telephone.

 **JUVENILE CASES**

OCTOBER 1, 2010

In the Interest of Minor Child: S.E.C., DOB 02/25/1996, JV 08-21 Order (Modification of Child Supp.) (HCN Tr. Ct., Oct. 1, 2010) (Rockman, A).

The Court had to determine whether to redirect and modify the parental reimbursement obligation previously entered by the Court. The Court redirected the child support, but did not modify the reimbursement amount.

OCTOBER 14, 2010

In the Interest of Minor Children: E.M.F., DOB 03/27/1993 and M.R.F., DOB 01/25/1999, JV 08-03-04 Order (Termination of Jurisdiction) (HCN Tr. Ct., Oct. 14, 2010) (Matha, T).

The Court terminated jurisdiction over the instant case due to the mother's substantial compliance with the dispositional requirements.

In the Interest of Minor Child: A.H., DOB 10/16/1992, JV 10-22 Order (Termination of Jurisdiction) (HCN Tr. Ct., Oct. 14, 2010) (Matha, T).

The Court terminated jurisdiction over the instant case due to the minor child's emancipation.

OCTOBER 15, 2010

In the Interest of Minor Children: K.B.M., DOB 10/29/1993; G.E.M., DOB 08/25/1995; A.D.M., DOB 04/25/1997; L.A.M., DOB 12/16/2000; and D.B.M., DOB 2006, JV 03-07-10, 07-45 Order (Impounding Per Capita) (HCN Tr. Ct., Oct. 15, 2010) (Rockman, A).

The Court ordered a portion of the party's per capita impounded until the court could determine the amount of the party's child placement assistance obligations.

OCTOBER 19, 2010

In the Interest of Minor Child: K.T.T., DOB 08/08/2004, JV 10-24 Order (Appointment of Guardian ad Litem) (HCN Tr. Ct., Oct. 19, 2010) (Rockman, A).

The Court appointed GAL Roxanne Whitegull to represent the interests of the minor child

OCTOBER 25, 2010

In the Interest of Minor Child: S.E.C., DOB 02/25/1996, JV 08-21 Order (Erratum) (HCN Tr. Ct., Oct. 25, 2010) (Rockman, A).

The Court issued an erratum to correct a clerical mistake.



RECENT SUPREME COURT DECISIONS

OCTOBER 8, 2010

Darren L. Brinegar v. Business Dep't et al., SU 10-01 DECISION (HCN S. Ct., Oct. 8, 2010) (Greendeer-Lee, J).

The Court had to determine whether to uphold the Trial Court's *Final Judgment*. The Court found that the Appellant was an at-will employee dischargeable for any reason, absent a showing of discrimination or harassment. Since the Appellant could not establish that his termination of employment was the result of discrimination or harassment, the Court affirmed the Trial Court's decision.

OCTOBER 13, 2010

Leilani Jean Chamberlain v. Adam Hall, SU 10-03 Scheduling Order (HCN S. Ct., Oct. 13, 2010) (Funmaker, D).

The Court issued a scheduling order in the instant case.



RECENT TRIAL COURT FILINGS



CHILD SUPPORT CASES

OCTOBER 15, 2010

Kateri DeFord v. Muton G. Greengrass, CS 10-50 (Matha, T).

OCTOBER 21, 2010

State of Wisconsin ex rel. v. Lynn O. St. Cyr, CS 10-52 (Rockman, A).

Katrina M. Prochnow v. Amos N. Gauthier, CS 10-53 (Rockman, A).

OCTOBER 25, 2010

Valee Sanache v. Barrin Sanache, CS 10-54 (Matha, T).



CIVIL CASES

OCTOBER 5, 2010

Andrea Thundercloud v. HCN GRB, CV 10-87 (Rockman, A).

OCTOBER 13, 2010

In the Interest of Minor Child: S.M., DOB 12/13/1995, by Lisa Warrner v. HCN Office of Tribal Enrollment, CV 10-88 (Matha, T).

In the Interest of Minor Child: L.L.L., DOD 06/19/2010, by Bertha Lowe v. HCN Office of Tribal Enrollment, CV 10-89 (Matha, T).

OCTOBER 14, 2010

In the Interest of Adult Beneficiary: Harry Blackhawk Jr., DOB 05/12/1986 v. HCN Office of Tribal Enrollment, CV 10-90 (Matha, T).

In the Interest of Minor Child: D.F., DOB 09/26/1996, by Victoria Blackcoon v. HCN Office of Tribal Enrollment, CV 10-91 (Matha, T).

In the Interest of Minor Children: D.W., DOB 11/09/1995; and D.W., DOB 02/19/1998, by Victoria Blackcoon v. HCN Office of Tribal Enrollment, CV 10-92 (Matha, T).

OCTOBER 21, 2010

In the Interest of Minor Child: L.S., DOB 11/08/1998, by Willis Crowder v. HCN Office of Tribal Enrollment, CV 10-95 (Rockman, A).

In the Interest of Minor Child: C.C., DOB 06/29/1997, by Myra Cunneen v. HCN Office of Tribal Enrollment, CV 10-96 (Rockman, A).

OCTOBER 25, 2010

In the Interest of Minor Children: J.P., DOB 02/04/1997; and T.P., DOB 09/09/1998, by Dennis Prescott v. HCN Office of Tribal Enrollment, CV 10-93 (Matha, T).

In the Interest of Minor Child: A.J.F., DOB 02/04/1997, by Alona Bush v. HCN Office of Tribal Enrollment, CV 10-94 (Matha, T).

 **CIVIL GARNISHMENT CASES**

OCTOBER 5, 2010

Quick Cash Loans v. Heather Green CG 10-100 (Matha, T).

OCTOBER 13, 2010

Gunderson Clinic v. Cleo Littlegeorge, CG 10-101 (Matha, T).

Capital One Bank v. Angela Johnson, CG 10-102 (Matha, T).

Gunderson Clinic v. Alana Greengrass, CG 10-103 (Matha, T).

Black River Memorial Hospital v. Winonah Folkers, CG 10-104 (Matha, T).

Black River Family Dentistry v. Melissa Kingswan, CG 10-105 (Matha, T).

Black River Memorial Hospital v. Tammy Elliott, CG 10-106 (Matha, T).

Black River Memorial Hospital v. Delores A. Greendeer, CG 10-107 (Matha, T).

Black River Memorial Hospital v. Duane Kling, CG 10-108 (Matha, T).

Black River Memorial Hospital v. Melissa Marg, CG 10-109 (Matha, T).

Gunderson Clinic v. James Greendeer, CG 10-110 (Matha, T).

Black River Memorial Hospital v. Tari Pettibone, CG 10-111 (Matha, T).

Gunderson Clinic v. David Turner, CG 10-112 (Matha, T).

Household Finance v. Tammy Vernon, CG 10-113 (Matha, T).

Black River Memorial Hospital v. Scott Maslowski, CG 10-114 (Matha, T).

Creative Finance v. Andrea Beekeen CG 10-115 (Matha, T).

OCTOBER 20, 2010

Discover Financial v. Joseph M. Burkhalter, CG 10-116 (Matha, T).

OCTOBER 28, 2010

Black River Memorial Hospital v. Edwin F. Larrea, CG 10-117 (Matha, T).

Quick Cash Loans v. Brady TwoBears, CG 10-118 (Matha, T).

 **JUVENILE CASES**

OCTOBER 6, 2010

In the Interest of Minor Child: K.T.T., DOB 08/08/2004, JV 10-24 (Matha, T).

 **FAMILY CASES**

NO CASES FILED AT THIS TIME.

 **DOMESTIC VIOLENCE**

NO CASES FILED AT THIS TIME.



RECENT SUPREME COURT FILINGS

NO CASES FILED AT THIS TIME.



**HO-CHUNK NATION COURT SYSTEM
JUDICIARY AND STAFF**

Supreme Court – Mary Jo B. Hunter, Chief Justice
Joan Greendeer-Lee, Associate Justice
Dennis Funmaker, Associate Justice
Clerk of Court, Supreme Court– Tari Pettibone

Traditional Court – Earl Blackdeer

Wayne Falcon
Dennis Funmaker
Cecil Garvin
Conroy Greendeer
Roy Greengrass
Thomas Hopinkah
Richard Mann
Desmond Mike

Preston Thompson, Jr.
Eugene Thundercloud
Morgan Whiteeagle
Clayton Winneshiek

Trial Court – Todd R. Matha, Chief Judge
Amanda L. Rockman, Associate Judge
Clerk of Court, Trial Court – Marcella Cloud
Assistant Clerk of Court, Trial Court – Selina Joshua
Assistant Clerk of Court, Trial Court – Margaret Falcon
Administrative Assistant – Rosalie Kakkak
Bailiff – Al Carrimon
Law Clerk/Staff Attorney – Rebecca Maki
Law Clerk/Staff Attorney – Zach Atherton-Ely

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION
(Eleven federally recognized tribes within the State of Wisconsin)

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
(Region 10 — Illinois, Indiana, Michigan, Minnesota, and Wisconsin)

HCN Judiciary Fee Schedule

Filing Fees

<i>Complaint</i>	\$50.00
<i>Petition for Release of Per Capita Distribution</i> (Children's Trust Fund).....	\$50.00
<i>Motion to Appear Pro Hac Vice</i>	\$35.00
Appellate Filing Fee.....	\$50.00
<i>Petition to Register and Enforce Foreign Judgment/Order</i>	\$20.00
Marriage License Fee.....	\$50.00

Court Fees

Copying	\$.10/page
Faxing	\$.25/page (sending & receiving)
CD of Hearings	\$12.50/CD
Deposition Videotape	\$10.00/tape Certified
Copies.....	\$.50/page
Equipment Rental	\$5.00/hour
Admission to Practice	\$50.00

Legal Citation Forms

The following are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, Subsection.
HCN CONST., Art. II, Sec. (or §) 1(a).

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.
ELDER PROTECTION ACT, 4 HCC § 1.
EMPLOYMENT RELATIONS ACT, 6 HCC § 5.
(for detailed citation information consult LEGISLATIVE ORGANIZATION ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).
Johnson v. Department, Inc., SU 96-21 (HCN S. Ct. Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number, (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)

HO-CHUNK NATION COURT BULLETIN

November 2010 Issue



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The Complexities of Criminal Jurisdiction in Tribal Court

Part III: Applicable Constitutional Provisions

The previous article in this series concerning criminal jurisdiction in tribal court dealt with the issue of double jeopardy between tribal and other courts. This article pertains to the constitutional rights of the accused in tribal court only. Once again, these articles will only provide a basic overview. Please feel free to contact the Ho-Chunk Nation Trial Court for more information.

Clearly, the rights afforded to criminal defendants by the Ho-Chunk Nation Constitution will apply in the HCN Trial Court. The role that the U.S. Constitution will play is not as simple. In *Talton v. Mayes*, the United States Supreme Court (hereinafter Court) held that the U.S. Constitution did not apply to the federally recognized tribes. 163 U.S. 376, 384 (1896). In this case, a member of the Cherokee Nation had been charged with the murder of two other Cherokee Nation members within Cherokee territory. *Id.* at 379. The appellant argued that the laws of the Cherokee Nation violated the *Fifth Amendment* by not requiring his indictment by a proper grand jury. *Id.* The Court looked to the purpose of the *Fifth Amendment* and the nature of the powers of the Cherokee Nation to reject this argument.

The Court acknowledged the longstanding precedent that the *Fifth Amendment* only limited powers granted by the U.S. Constitution itself. *Id.* at 382. Therefore, the *Fifth Amendment* could only be applicable to the Cherokee Nation if such applicability was

expressly stated in the Amendment or if the powers of the Cherokee Nation were actually created by the U.S. Constitution. *Id.* The *Fifth Amendment* does not contain express language making it applicable to federally recognized tribes.

Before the U.S. Constitution was formed, treaties were made with the Cherokees “by which their autonomous existence was recognized.” *Id.* at 383. Native American tribes have always been treated as “a separate people with the power of regulating their internal and social relations, and thus far not brought under the laws of the Union, or of the State within whose limits they resided.” *Id.* at 384 (citing *Kagama v. United*

States, 118 U.S. 375, 381(1886)). Although the U.S. Constitution granted Congress authority to legislate concerning the tribes, it did not create the tribes' power to govern themselves. *Id.* Therefore, the Court found that because the self-governing powers of the Cherokee Nation existed prior to the Constitution, the *Fifth Amendment* could not limit such powers. *Id.*

In the 1960s Congress passed the Indian Civil Rights Act (hereinafter ICRA). This act imposed many of the restrictions included in the U.S. Constitution upon tribal governments. Although many of the ICRA's provisions are similar to the U.S. Bill of Rights, they are not identical. For example, Section 1302(a)(1) prevents tribal governments from making "any law prohibiting the free exercise of religion," but it does not forbid the establishment of a religion. 25 USCS §1302(a)(1). There is also no provision in the ICRA requiring an accused to be indicted by a grand jury. The ICRA affords criminal defendants the right to a trial by a jury of their peers, but only requires the jury to have at least six members. 25 USCS §1302(a)(10).

There are other differences between the ICRA and the U.S. Constitution, including limitations on the criminal punishments tribal courts can order. See e.g. 25 USCS §1302(a)(7)(C) (restricting lengths and monetary amounts of sentences). Some of these issues will be addressed in a subsequent article concerning the Tribal Law and Order Act of 2010. For now, it is important to understand that the U.S. Constitution does not apply in tribal courts, but the ICRA does. Therefore, any Federal case law concerning constitutional rights is not binding on the HCN Trial Court. Article X of the HCN Constitution incorporated many of the provisions contained in the ICRA. However, due to the present lack of criminal case precedent in the Ho-Chunk Nation Judiciary, Federal constitutional case law may be viewed as persuasive authority. In the event that litigants wish to present such persuasive authority, it is important to note and distinguish the differences between the U.S. Constitution, the ICRA, and the HCN Constitution.

Judiciary Webpage Updates

In an effort to provide greater accessibility to tribal members, HCN Bar Association members, and the public, the HCN Trial Court has placed greater emphasis on updating the Judiciary's webpage. Significant updates have already been made. If you find any dead links or feel an important case has not been posted, please feel free to notify the Staff Attorneys. Please understand recent decisions take some time to post, and that the Staff Attorneys do not have the authority to update the other websites of the Ho-Chunk Nation.



RECENT TRIAL COURT DECISIONS

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil Garnishment (CG), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), Family (FM), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. Due to the great incidence of civil cases before the Court, the category for civil cases is divided into broad sub-categories. In some instances a decision may touch upon other topics that may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

RECENT DECISIONS AND RECENT FILINGS BOTH BEGIN WITH THE DATE WHERE THE PREVIOUS COURT BULLETIN LEFT OFF.



CHILD SUPPORT CASES

OCTOBER 29, 2010

Patrice Farnsworth v. Matthew Kurtz, CS 10-40 Order (Child Support Hearing) (HCN Tr. Ct., Oct. 29, 2010) (Rockman, A).

The Court ordered the respondent to file a certified account statement by November 29, 2010, that verified he was in good standing and independently paying his child support.

Cindy Villanueva v. Matthew Kurtz, CS 10-41 Order (Child Support Hearing) (HCN Tr. Ct., Oct. 29, 2010) (Rockman, A).

The Court ordered the respondent to file a certified account statement by November 29, 2010, that verified he was in good standing and independently paying his child support.

NOVEMBER 19, 2010

Nichi McDonald v. Matthew Thundercloud, CS 08-33 Order (Cease Child Support Withholding – Wages) (HCN Tr. Ct., Nov. 19, 2010) (Matha, T).

The Court ceased withholding from the respondent's wages for current child support since the respondent's child support obligations were deducted from his per capita.



CIVIL GARNISHMENT CASES

NOVEMBER 4, 2010

Gundersen Clinic Ltd. v. Cleo Littlegeorge, CG 10-101 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Capital One Bank v. Angela L. Johnson, CG 10-102 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Gundersen Clinic, Ltd. v. Alana Greengrass, CG 10-103 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Tammy Elliot, CG 10-106 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Dolores A. Greendeer, CG 10-107 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Duane Kling, Jr., CG 10-108 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Melissa Marg, CG 10-109 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Gundersen Clinic, Ltd. v. James Greendeer, CG 10-110 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court

afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Tari Pettibone, CG 10-111 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Black River Memorial Hospital v. Scott J. Maslowski, CG 10-114 Order (Default Judgment) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

NOVEMBER 12, 2010

Alliance Collection Agencies, Inc. et al. v. Kandi M. Laatch, CG 10-96 Order (Dismissal Against Defendant) (HCN Tr. Ct., Nov. 12, 2010) (Matha, T).

The Court granted the petitioner's motion to dismiss due to the respondent being protected under Wis. Stat. § 128.21.

NOVEMBER 16, 2010

Sauk County Clerk of Courts v. Jerry W. St. Cyr, CG 10-60 Order (Satisfaction of Judgment) (HCN Tr. Ct., Nov. 16, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

Guy-Robert Detlefsen, Jr. v. Sonia Roberts, CG 10-92 Order (Voluntary Dismissal) (HCN Tr. Ct., Nov. 16, 2010) (Matha, T).

The Court dismissed the instant action due to an inability to provide a remedy since the respondent was no longer employed with the Nation.

NOVEMBER 18, 2010

Alliance Collection Agencies, Inc. v. Midge Bauer, CG 10-74 Order (Satisfaction of Judgment) (HCN Tr. Ct., Nov. 18, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that the respondent fully satisfied the judgment.

Creative Finance, Inc. v. Andrea Beenken, CG 10-115 Order (Default Judgment) (HCN Tr. Ct., Nov. 18, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

NOVEMBER 29, 2010

Quick Cash Loans v. Heather Green, CG 10-100 Order (Default Judgment) (HCN Tr. Ct., Nov. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Black River Self Storage v. Luann Littlegeorge, CG 10-91 Order (Default Judgment) (HCN Tr. Ct., Nov. 29, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

CIVIL CASES

NOVEMBER 3, 2010

Duane Arendt v. Department of Education et al., CV 10-83 Scheduling Order (HCN Tr. Ct., Nov. 3, 2010) (Matha, T). The Court issued a scheduling order for the instant case.

Gerald Cleveland, Jr. and Wilfrid Cleveland v. Elliot Garvin et al., CV 08-36 Order (Dismissal with Prejudice) (HCN Tr. Ct., Nov. 17, 2010) (Matha, T).

The Court previously issued an order requiring the parties to demonstrate good cause why the case should not be dismissed. The third-party plaintiff filed an objection, but failed to offer any justification for the lengthy delay. Rather, the third-party plaintiff asserted that the Court should continue to hear the matter due to the alleged importance of constitutional issues within the suit. Due to the parties' failure to provide good cause for such a delay, the Court, in its discretion, dismissed the case with prejudice due to inactivity.



ADMINISTRATIVE APPEALS

NOVEMBER 16, 2010

Caroline R. Koukos v. Ho-Chunk Nation Department of Personnel, CV 10-102 Order (Requiring Administrative Record) (HCN Tr. Ct., Nov. 16, 2010) (Rockman, A).

The Court ordered the Grievance Review Board (hereinafter GRB) to submit the administrative record within a specific timeframe and ordered the GRB to notify the Court whether it wished to intervene.

NOVEMBER 17, 2010

Caroline R. Koukos v. Ho-Chunk Nation Department of Personnel, CV 10-102 Scheduling Order (HCN Tr. Ct., Nov. 17, 2010) (Rockman, A).

The Court issued a scheduling order for the instant case.

NOVEMBER 30, 2010

Lisa Nichols v. Ho-Chunk Casino et al., CV 10-76 Scheduling Order (HCN Tr. Ct., Nov. 30, 2010) (Matha, T).

The Court issued a scheduling order for the instant case.

Kyle Funmaker v. Department of Treasury et al., CV 10-12 Scheduling Order (HCN Tr. Ct., Nov. 30, 2010) (Matha, T).

The Court issued a scheduling order for the instant case.

Kyle Funmaker v. Department of Treasury et al., CV 10-12 Order (Notice of Oral Argument) (HCN Tr. Ct., Nov. 30, 2010) (Matha, T).

The Court granted the petitioner's request for oral arguments.

Andrew Thundercloud v. Richard Mann et al., CV 10-87 Scheduling Order (HCN Tr. Ct., Nov. 30, 2010) (Rockman, A).

The Court issued a scheduling order for the instant case.

HCN et al. v. HCN GRB et al. and HCN v. HCN GRB et al., CV 10-07, -28 Scheduling Order (HCN Tr. Ct., Nov. 30, 2010) (Rockman, A).

The Court issued a scheduling order for the instant case.

Sarina Quarderer v. Ho-Chunk Casino et al., CV 10-33 Scheduling Order (HCN Tr. Ct., Nov. 30, 2010) (Rockman, A).

The Court issued a scheduling order for the instant case.



CHILDREN'S TRUST FUND (CTF)

NOVEMBER 1, 2010

In the Interest of Minor Child: C.C., DOB 06/29/1997, by Myra Cunneen v. HCN Office of Tribal Enrollment, CV 10-96 Order (Petition Granted) (HCN Tr. Ct., Nov. 1, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia. The Court granted the request.

NOVEMBER 3, 2010

In the Interest of Minor Child: S.M., DOB 12/13/1995, by Lisa Lockemy v. HCN Office of Tribal Enrollment, CV 10-88 Order (Petition Granted) (HCN Tr. Ct., Nov. 3, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia. The Court granted the request.

In the Interest of Minor Children: B.A.T., DOB 09/11/1994 and C.A.T., DOB 07/06/1995 v. HCN Office of Tribal Enrollment, CV 09-68 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 3, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor children for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: L.S., DOB 11/08/1998, by Willis Crowder v. HCN Office of Tribal Enrollment, CV 10-95 Order (Petition Granted) (HCN Tr. Ct., Nov. 3, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia. The Court granted the request.

In the Interest of Minor Child: G.R.H., DOB 08/18/1995, by Wendi A. Huling v. HCN Office of Tribal Enrollment, CV 10-46 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 3, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with a specialized wheelchair. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Children: J.P., DOB 02/04/1997 and T.P., DOB 09/09/1998, by Dennis Prescott v. HCN Office of Tribal Enrollment, CV 10-93 Order (Petition Granted) (HCN Tr. Ct., Nov. 3, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontia. The Court granted the request.

In the Interest of Minor Children: D.W., DOB 11/09/1995 and D.W., DOB 02/19/1998, by Victoria Blackcoon v. HCN Office of Tribal Enrollment, CV 10-92 Order (Petition Granted) (HCN Tr. Ct., Nov. 3, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontia. The Court granted the request.

NOVEMBER 4, 2010

In the Interest of Minor Child: C.L.M., DOB 05/26/1998, by Karen L. Klongland v. HCN Office of Tribal Enrollment, CV 09-69 Order (Show Cause.) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court had previously released funds from the minor child's CTF for costs associated with family mortgage. The Court had also issued two (2) accounting directives that were ignored by the petitioner. Therefore, the Court will convene a *Show Cause Hearing* to give the petitioner an opportunity to show why she should not be held in contempt.

In the Interest of Minor Child: M.C.D., DOB 03/29/1999, by Randall Mann v. HCN Office of Tribal Enrollment, CV 09-75 Order (Requesting Accounting) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner failed to submit a full accounting confirming proper use of the funds within the specified timeframe. The Court ordered that the petitioner submit the required accounting.

In the Interest of Minor Child: B.R., DOB 04/08/2000, by Aaron G. Rodriguez v. HCN Office of Tribal Enrollment, CV 10-48 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a financial history, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Child: K.F., DOB 01/10/1998, by Cheryl J. Funmaker v. HCN Office of Tribal Enrollment, CV 10-71 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 4, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a financial history, confirming the proper use of the funds. The Court accepted this accounting.

NOVEMBER 5, 2010

In the Interest of Adult CTF Beneficiary: Neva J. Littlegeorge, DOB 09/24/1985 v. HCN Office of Tribal Enrollment, CV 06-80 Order (Regarding Civil Contempt Fine) (HCN Tr. Ct., Nov. 5, 2010) (Matha, T).

The Court previously adjudged the petitioner in contempt of court for consistent failure to furnish automobile insurance documentation. Consequently, the Court ordered the Department of Treasury to assess a civil contempt fine against the petitioner's trust account. Upon release of the corpus, Treasury withheld a significant amount, which totaled the amount of the fine. The Court afforded the petitioner a final opportunity to provide the requested documentation.

NOVEMBER 12, 2010

In the Interest of Minor Child: N.P.L., DOB 11/08/2005, by Quyen La v. HCN Office of Tribal Enrollment, CV 10-82 Order (Motion Granted) (HCN Tr. Ct., Nov. 12, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request for an additional release of CTF monies to cover an unmet patient obligation for orthodontic procedures. The Court granted the petitioner's request.

In the Interest of Minor Child: K.M.R., DOB 07/24/1998, by Michelle Rave v. HCN Office of Tribal Enrollment, CV 10-22 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 12, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Children: J.T.C., DOB 04/26/1996 and D.A.C., DOB 08/01/1997, by Ericka Cloud v. HCN Office of Tribal Enrollment, CV 10-66 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 12, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor children for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Minor Children: A.V.F., DOB 03/26/1998; D.R.W., DOB 09/22/1992; and D.D.W., DOB 12/16/1994, by Victoria Blackcoon v. HCN Office of Tribal Enrollment, CV 10-45 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 12, 2010) (Rockman, A).

The Court previously released funds from the CTF accounts of the minor children for costs associated with orthodontic procedures. The petitioner submitted a receipt, confirming the proper use of the funds. The Court accepted this accounting.

In the Interest of Adult CTF Beneficiary: Harry Blackhawk, Jr., DOB 05/12/1986 v. HCN Office of Tribal Enrollment, CV 10-90 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 12, 2010) (Matha, T).

The Court granted the petitioner's request to appear by telephone.

NOVEMBER 15, 2010

In the Interest of Minor Child: A.J.F., DOB 01/13/1996, by Alona Bush v. HCN Office of Tribal Enrollment, CV 10-94 Order (Motion Hearing) (HCN Tr. Ct., Nov. 15, 2010) (Matha, T).

The Court, in its discretion, scheduled a *Motion Hearing* to allow the respondent the ability to argue their *Motion to Dismiss*.

NOVEMBER 16, 2010

In the Interest of Minor Child: A.R., DOB 05/05/1997, by Julie A. Rodriguez v. HCN Office of Tribal Enrollment, CV 10-99 Order (Petition Granted) (HCN Tr. Ct., Nov. 16, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia. The Court granted the request.

In the Interest of Minor Children: M.F.P., DOB 07/25/2003 and P.A.P., DOB 06/03/2006, by Tracy Beversdorf v. HCN Office of Tribal Enrollment, CV 10-97 Order (Petition Granted) (HCN Tr. Ct., Nov. 16, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with dental procedures. The Court granted the request.

NOVEMBER 24, 2010

In the Interest of Minor Child: C.F.M., DOB 01/13/1998, by Angela R. McCabe v. HCN Office of Tribal Enrollment, CV 10-105 Order (Petition Granted) (HCN Tr. Ct., Nov. 24, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia. The Court granted the request.

NOVEMBER 30, 2010

In the Interest of Minor Child: I.C.P., DOB 06/04/1994, by Lori A. Pettibone v. HCN Office of Tribal Enrollment, CV 10-103 Order (Petition Granted) (HCN Tr. Ct., Nov. 30, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia. The Court granted the request.

In the Interest of Minor Child: A.H.A., DOB 10/18/1995, by Alana T. DeCora-Ayesh v. HCN Office of Tribal Enrollment, CV 10-104 Order (Petition Granted) (HCN Tr. Ct., Nov. 30, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia. The Court granted the request.



CONTRACTS

NO DECISIONS AT THIS TIME.



ELECTION MATTERS

NO DECISIONS AT THIS TIME.



EMPLOYMENT

NO DECISIONS AT THIS TIME.



ENROLLMENT

NO DECISIONS AT THIS TIME.



HOUSING

NO DECISIONS AT THIS TIME.



INCOMPETENT'S TRUST FUND (ITF)

NOVEMBER 3, 2010

In the Interest of Adult Incompetent: O.S.R., DOB 05/14/1968, by Roxanne P. Whitegull v. HCN Office of Tribal Enrollment, CV 97-117 Order (Motion Granted) (HCN Tr. Ct., Nov. 3, 2010) (Matha, T).

The Court had to determine whether the protective payee could access monies on behalf of an adult incompetent member from the ITF account to acquire family Christmas gifts. The Court granted the release of funds to satisfy the request of the payee.

In the Interest of Adult Incompetent: K.S.B., DOB 02/19/1960, by Jon B. Bahr v. HCN Office of Tribal Enrollment, CV 05-110

Order (Accepting Accounting) (HCN Tr. Ct., Nov. 3, 2010) (Rockman, A).

The Court previously released funds from the ITF account of the adult member for costs associated with ongoing guardian services and living expenses. The petitioner submitted an account statement, confirming the proper use of the funds. The Court accepted this accounting.

NOVEMBER 17, 2010

In the Interest of Adult Incompetent: O.S.R., DOB 05/14/1968, by Roxanne P. Whitegull v. HCN Office of Tribal Enrollment, CV 97-117 Order (Addendum to Judgment) (HCN Tr. Ct., Nov. 17, 2010) (Matha, T).

The Court had to determine whether to release additional monies from the tribal member's ITF account to cover additional costs associated with the previous request. The Court granted the motion.

NOVEMBER 18, 2010

In the Interest of Adult Incompetent: B.P.O., DOB 04/03/1934, by Elethe Nichols v. HCN Office of Tribal Enrollment, CV 96-46 Order (Accepting Accounting) (HCN Tr. Ct., Nov. 18, 2010) (Rockman, A).

The Court previously released funds from the ITF account of the adult member for costs associated with annual LP gas costs, a vehicle purchase, and requisite insurance. The petitioner submitted an invoice, confirming the proper use of the funds. The Court accepted this accounting.

NOVEMBER 23, 2010

In the Interest of Adult Incompetent: T.M.A., DOB 05/13/1986, by Pamela Anderson v. HCN Office of Tribal Enrollment, CV 09-36 Order (Motion Granted in Part) (HCN Tr. Ct., Nov. 23, 2010) (Rockman, A).

The Court had to determine whether the legal guardian could access monies on behalf of an adult incompetent member from the ITF account to increase the living expenses for the adult incompetent member. The Court granted the release of funds for costs associated with personal expenses; however, the Court was unable to grant a release of funds for petitioner's specific request due to lack of proper documentation.

NOVEMBER 24, 2010

In the Interest of Adult Incompetent: O.S.R., DOB 05/14/1968, by Roxanne P. Whitegull v. HCN Office of Tribal Enrollment, CV 97-117 Order (Motion Granted) (HCN Tr. Ct., Nov. 23, 2010) (Matha, T).

The Court had to determine whether the protective payee could access monies on behalf of an adult incompetent member from the ITF account to purchase a winter coat and satisfy documented protective payee service fees. The

Court granted the release of funds to satisfy the requests of the payee.

RECALL/REMOVAL NO DECISIONS AT THIS TIME.

DOMESTIC ABUSE NO DECISIONS AT THIS TIME.

FAMILY

DIVORCE NOVEMBER 10, 2010

David A. WhiteEagle v. Sheila WhiteEagle, FM 10-02 Final Judgment for Divorce (HCN Tr. Ct., Nov. 5, 2010) (Rockman, A).

The Court granted the petition for divorce.

JUVENILE CASES

NOVEMBER 3, 2010

In the Interest of Minor Child: A.D., DOB 10/09/1992, 94 CU 22 Order (Termination of Jurisdiction) (HCN Tr. Ct., Nov. 3, 2010) (Rockman, A).

The Court terminated jurisdiction over the instant case due to the emancipation of the child.

NOVEMBER 5, 2010

In the Interest of Minor Children: K.B.M., DOB 10/29/1993; G.E.M., DOB 08/25/1995; A.D.M., DOB 04/25/1997; L.A.M., DOB 12/16/2000; and D.B.M., DOB 10/06/2007, JV 03-07-10, 07-45 Order (Releasing Impounds & Modifying Paternal Child Supp.) (HCN Tr. Ct., Nov. 5, 2010) (Rockman, A).

The Court had to determine whether to modify a child support obligation for the father of the minor children. The Court determined that the father had a responsibility to support his minor children and established a modified obligation.

NOVEMBER 10, 2010

In the Interest of Minor Child: V.L.S., DOB 01/15/1993, JV 09-30 Order (Termination of Jurisdiction) (HCN Tr. Ct., Nov. 10, 2010) (Rockman, A).

The Court terminated jurisdiction over the instant case due to the parents' substantial compliance with the dispositional requirements.

In the Interest of Minor Child: G.E.M., DOB 08/25/1995, JV 03-08 Capias Order (HCN Tr. Ct., Nov. 10, 2010) (Rockman, A).

The Court directed the La Crosse City Police Department

and/or La Crosse County Sheriff's Office to assist HCN CFS in the retrieval of the minor child.

In the Interest of Minor Child: G.E.M., DOB 08/25/1995, JV 03-08 Order (Erratum) (HCN Tr. Ct., Nov. 10, 2010) (Rockman, A).

The Court issued an erratum to correct a clerical mistake.

In the Interest of Minor Child: A.B., DOB 07/25/1994, JV 01-07 Order (Status Hearing) (HCN Tr. Ct., Nov. 10, 2010) (Rockman, A).

The Court held a hearing in order to reevaluate a case, resulting in a reversion to six month review hearing schedule.

NOVEMBER 12, 2010

In the Interest of Minor Child: A.A.G., DOB 11/13/1992, JV 04-33 Order (Termination of Jurisdiction) (HCN Tr. Ct., Nov. 12, 2010) (Matha, T).

The Court terminated jurisdiction over the instant case due to the emancipation of the child.

In the Interest of Minor Child: A.J.S., DOB 09/14/2008, JV 08-31 Order (Regarding Motion) (HCN Tr. Ct., Nov. 12, 2010) (Matha, T).

The Court ordered the permanent guardians to seek the input of the Traditional Court regarding their motion.

NOVEMBER 16, 2010

In the Interest of Minor Child: A.M.H., DOB 12/21/1995, JV 10-23 Order (Dismissal) (HCN Tr. Ct., Nov. 16, 2010) (Rockman, A).

The Court dismissed the instant action due to the withdrawal of the petition.

NOVEMBER 18, 2010

In the Interest of Minor Children: L.L.T., DOB 06/23/1996; R.R.T., DOB 03/16/1994; and L.M.T., DOB 01/20/1993, JV 07-62-64 Order (Child Protection Review Hearing) (HCN Tr. Ct., Nov. 18, 2010) (Rockman, A).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.

In the Interest of Minor Child: E.W., DOB 08/02/2005, JV 10-10 Order (Maternal Reimbursement Obligation) (HCN Tr. Ct., Nov. 18, 2010) (Rockman, A).

The Court had to determine whether to grant the CFS request to establish a maternal reimbursement obligation. The Court granted the request.

In the Interest of Minor Child: E.W., DOB 08/02/2005, JV 10-10 Order (Granting Telephonic Appearance) (HCN Tr. Ct., Nov. 18, 2010) (Rockman, A).

The Court granted the father's and his attorney's requests to appear by telephone.

NOVEMBER 23, 2010

In the Interest of Minor Child: G.E.M., DOB 08/25/1995, JV 03-08 Order (Capias Hearing) (HCN Tr. Ct., Nov. 23, 2010) (Rockman, A).

The Court granted CFS discretion to determine the physical placement of the minor child with CFS.

In the Interest of Minor Children: R.C., DOB 10/17/2001 and A.C., DOB 11/10/2002, JV 09-27-28 Order (Denying Petition) (HCN Tr. Ct., Nov. 23, 2010) (Rockman, A).

The Court had to determine whether to appoint a permanent guardian and successor guardian of the minor children. The petitioner was unable to adequately challenge the suitability of the current guardian. Accordingly, the Court denied the petition.

In the Interest of Minor Child: G.M.F., DOB 11/24/1992, JV 10-18 Order (Termination of Jurisdiction) (HCN Tr. Ct., Nov. 23, 2010) (Matha, T).

The Court terminated jurisdiction over the instant case due to the emancipation of the child.

NOVEMBER 24, 2010

In the Interest of Minor Child: K.L.M., DOB 01/03/2010, JV 10-01 Order (Continuation of Plea Hearing) (HCN Tr. Ct., Nov. 24, 2010) (Matha, T).

The Court continued the *Plea Hearing* in order to allow one of the parties to obtain counsel.

In the Interest of Minor Child: M.M.M., DOB 12/18/2001, JV 09-02 Order (Child Protection Review Hearing) (HCN Tr. Ct., Nov. 24, 2010) (Matha, T).

The Court conducted a *Child Protection Review Hearing*. At the *Hearing*, the Court had to assess the extent of compliance with the dispositional requirements previously entered. The Court determined to maintain the status quo.



RECENT SUPREME COURT DECISIONS

NO DECISIONS AT THIS TIME.



RECENT TRIAL COURT FILINGS



CHILD SUPPORT CASES

NOVEMBER 9, 2010

Bethany Littlejohn v. Hunter Littlejohn, CS 10-55 (Matha, T).

NOVEMBER 16, 2010

Monroe County ex rel. v. Cody GreyOwl, CS 10-56 (Rockman, A).



CIVIL CASES

NOVEMBER 5, 2010

In the Interest of Minor Children: S.P., DOB 07/31/1998 and G.P., DOB 09/29/1998; D.P., DOB 01/01/2003, by Myra Pemberton v. HCN Office of Tribal Enrollment, CV 10-98 (Rockman, A).

NOVEMBER 8, 2010

In the Interest of Minor Child: A.R., DOB 05/05/1997, by Julie Rodriquez v. HCN Office of Tribal Enrollment, CV 10-99 (Matha, T).

In the Interest of Minor Children: T.B. and A.B., by Julia Goodbear v. HCN Office of Tribal Enrollment, CV 10-100 (Matha, T).

NOVEMBER 10, 2010

In the Interest of Adult Beneficiary: Matt Greengrass v. HCN Office of Tribal Enrollment, CV 10-101 (Matha, T).

NOVEMBER 16, 2010

Caroline R. Koukos v. HCN Department of Personnel, CV 10-102 (Rockman, A).

NOVEMBER 18, 2010

In the Interest of Minor Child: I.C.P., DOB 06/04/1994, by Lori Pettibone v. HCN Office of Tribal Enrollment, CV 10-103 (Rockman, A).

NOVEMBER 19, 2010

In the Interest of Minor Child: A.H.A., DOB 10/18/1995, by Alana Decorah-Ayesh v. HCN Office of Tribal Enrollment, CV 10-104 (Rockman, A).

NOVEMBER 22, 2010

In the Interest of Minor Child: C.F.M., DOB 01/13/1998, by Angela R. McCabe v. HCN Office of Tribal Enrollment, CV 10-105 (Matha, T).

NOVEMBER 24, 2010

In the Interest of Minor Child: R.P., DOB 03/06/2006, by Tracy Pecore v. HCN Office of Tribal Enrollment, CV 10-106 (Matha, T).

NOVEMBER 29, 2010

Daniel Topping v. Georgette Martin et al., CV 10-107 (Rockman, A).



CIVIL GARNISHMENT CASES

NOVEMBER 8, 2010

Dane County Clerk of Courts v. April Whitford, CG 10-119 (Matha, T).

Nob Hill Apartment Homes v. April Whitford, CG 10-120 (Matha, T).

NOVEMBER 30, 2010

State Collection Services, Inc. v. Georgette Jackson, CG 10-121 (Matha, T).



JUVENILE CASES

NOVEMBER 22, 2010

In the Interest of Minor Child: K.B.M., DOB 10/29/1993, JV 10-25 (Rockman, A).



FAMILY CASES

NO CASES FILED AT THIS TIME.



DOMESTIC VIOLENCE

NO CASES FILED AT THIS TIME.



RECENT SUPREME COURT FILINGS

NO CASES FILED AT THIS TIME.



**HO-CHUNK NATION COURT SYSTEM
JUDICIARY AND STAFF**

Supreme Court – Mary Jo B. Hunter, Chief Justice
Joan Greendeer-Lee, Associate Justice
Dennis Funmaker, Associate Justice
Clerk of Court, Supreme Court– Mary Thunder

Traditional Court – Earl Blackdeer

Wayne Falcon
Dennis Funmaker
Cecil Garvin
Conroy Greendeer
Roy Greengrass
Thomas Hopinkah
Richard Mann
Desmond Mike

Preston Thompson, Jr.
Eugene Thundercloud
Morgan Whiteeagle
Clayton Winneshiek

Trial Court – Todd R. Matha, Chief Judge
Amanda L. Rockman, Associate Judge
Clerk of Court, Trial Court – Marcella Cloud
Assistant Clerk of Court, Trial Court – Selina Joshua
Assistant Clerk of Court, Trial Court – Margaret Falcon
Administrative Assistant – Rosalie Kakkak
Bailiff – Al Carrimon
Law Clerk/Staff Attorney – Rebecca Maki
Law Clerk/Staff Attorney – Zach Atherton-Ely

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION
(Eleven federally recognized tribes within the State of Wisconsin)

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
(Region 10 — Illinois, Indiana, Michigan, Minnesota, and Wisconsin)

HCN Judiciary Fee Schedule

Filing Fees

<i>Complaint</i>	\$50.00
<i>Petition for Release of Per Capita Distribution</i> (Children's Trust Fund).....	\$50.00
<i>Motion to Appear Pro Hac Vice</i>	\$35.00
Appellate Filing Fee.....	\$50.00
<i>Petition to Register and Enforce Foreign Judgment/Order</i>	\$20.00
Marriage License Fee.....	\$50.00

Court Fees

Copying	\$.10/page
Faxing	\$.25/page (sending & receiving)
CD of Hearings	\$12.50/CD
Deposition Videotape	\$10.00/tape Certified
Copies.....	\$0.50/page
Equipment Rental	\$5.00/hour
Admission to Practice	\$50.00

Legal Citation Forms

The following are example citation forms by legal reference and citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, Subsection.
HCN CONST., Art. II, Sec. (or §) 1(a).

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.
ELDER PROTECTION ACT, 4 HCC § 1.
EMPLOYMENT RELATIONS ACT, 6 HCC § 5.
(for detailed citation information consult LEGISLATIVE ORGANIZATION ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).
Johnson v. Department, Inc., SU 96-21 (HCN S. Ct. Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number, (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)

HO-CHUNK NATION COURT BULLETIN

December 2010 Issue



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The Complexities of Criminal Jurisdiction in Tribal Court

Part IV: Tribal Law and Order Act of 2010

On July 29, 2010, President Obama signed the Tribal Law and Order Act (hereinafter Act). Designed to increase tribal law enforcement capabilities, the Act will impact the Ho-Chunk Nation's newly asserted sovereignty over criminal matters. Although the Act will affect legislation, the police force, training programs, etc., this article focuses on the Act's effects on the HCN Trial Court. It is important to note that because the Act was passed so recently, the availability of case law and research is limited. Therefore, this article only covers basic interpretations of the Act. And, such interpretations are susceptible to change as case law develops.

The Act will primarily affect the Trial Court in regards to sentencing. Previously, under the original Indian Civil Rights Act, the maximum sentence a tribal court could impose for any one offense was imprisonment for one (1) year and a fine of \$5,000.00. The Act raises that maximum to imprisonment for three (3) years and a fine of \$15,000.00. 25 USCS § 1302(a)(7)(C). These new sentencing maximums are not available for every criminal offense. To utilize the new maximums, the offense must be "comparable to an offense that would be punishable by more than 1 year of imprisonment if prosecuted by the United States or any of the States." 25 USCS § 1302(b)(2). For example, a tribal court could not impose a three-year prison sentence for a basic speeding ticket. However, the language of the Act welcomes argument for less clear-cut offenses. It will be necessary for tribal prosecutors, defense attorneys, defendants, and the Trial Court to research State and

Federal criminal codes and relevant sentencing limitations.

If the Trial Court is using the new sentencing maximums, the Act requires that criminal defendants be granted several additional rights. The defendant must have "the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution." 25 USCS § 1302(c)(1). This requirement explicitly makes a small part of the U.S. Constitution applicable to tribes using the new sentencing maximums. Therefore, any U.S. Supreme Court precedent concerning the effective assistance of counsel is probably binding if these limited circumstances are present. It is difficult to predict whether or not other federal court case precedent would be binding as well.

The seminal case defining effective assistance of counsel is *Strickland v. Washington*, 466 U.S. 668 (1984). *Strickland* states that a defendant claiming ineffective assistance of counsel must show two things. First, the defendant must show that his/her attorney “made errors so serious that counsel was not functioning as the ‘counsel’ guaranteed [to] the defendant by the *Sixth Amendment*.” *Id.* at 687. Second, the defendant must show that those errors “were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.” *Id.* In assessing this test, a court will presume that the attorney’s “conduct falls within the wide range of reasonable professional assistance.” *Id.* at 689. Under the *Strickland* holding, it is difficult for a defendant to show ineffective assistance of counsel. The Ho-Chunk Nation is free to give defendants greater protections, but it probably will have to apply the standards set forth in *Strickland* at the very least.

If using the new sentencing maximums, indigent defendants must also be provided licensed defense attorneys at the expense of the tribe. 25 USCS § 1302 (c)(2). Providing defendants with lay advocates would be insufficient. However, defendants would likely be able to waive their right to a licensed attorney if they desired. Whether or not the HCN Legislature wants to utilize the new sentencing maximums is yet to be determined. If the Legislature chooses not to use the new maximums, indigent defendants will not need to have attorneys appointed to them. There are certainly pros and cons to both sides. The Legislature may choose to set strict sentencing maximums in the criminal codes, or it may just provide the Trial Court with loose guidelines. More information will be available once the criminal codes are passed.

Judges presiding over criminal proceedings must also meet certain qualifications to be able to order the new sentencing maximums. The judge must have “sufficient legal training to preside over criminal proceedings” and be “licensed to practice law by any jurisdiction in the United States.” 25 USCS § 1302(c)(3)(A), (B). Currently, both HCN Trial Court judges are licensed to practice in the State of Wisconsin. Therefore, both judges will be able to order the maximum sentences allowable under the Act, so long as such sentences are also authorized by the HCN Criminal Codes. It is difficult to predict how courts will interpret the “sufficient legal training” requirement. Logically, it probably means more than just being licensed to practice law as it is written in its own subsection. As there is little information available at this time, the Ho-Chunk Nation should monitor the issue as it develops.

Defendants believing their detention violates the rules set out in the Act may petition a Federal court for a writ of habeas corpus. 25 USCS § 1303. A writ of habeas corpus is the only federal relief available under the Act. *Runs After v. United States*, 799 F.2d 347 (8th Cir. 1985). Generally, defendants must exhaust tribal remedies before a Federal District Court may grant relief. *Citizens League for Civil Rights, Inc. v. Baker*, 464 F. Supp. 1389 (W.D. Wis. 1978). Therefore, if a defendant believes the HCN Trial Court violated his/her rights guaranteed under 25 USCS § 1302, he/she must first appeal to the HCN Supreme Court.



UPDATES FROM OUTSIDE JURISDICTIONS

UNITED STATES COURTS OF APPEALS, D.C. CIR.

Butte County, California v. Hogen et al., No. 09-5179, 37 Indian L. Rep. 2199 (D.C. Cir., July 13, 2010). The U.S. Court of Appeals for the District of Columbia Circuit finds that the U.S. Department of Interior violated the minimal procedural requirements of 5 U.S.C. § 555(e),

and the Department’s Solicitor’s response to the appellant also was arbitrary, and thus sets aside the Interior Secretary’s final action to take the Mechoopda Tribe’s lands into trust.

UNITED STATES COURTS OF APPEALS, 8TH CIR.

Attorney’s Process & Investigation Serv., Inc. v. Sac & Fox Tribe of the Mississippi in Iowa, No. 09-2605, 37 Indian L. Rep. 2205 (8th Cir., July 7, 2010). The U.S. Court of Appeals for the Eighth Circuit affirms the judgment of the district court in its holding that the Sac and Fox tribal courts may exercise adjudicatory jurisdiction over the

Tribe's claims against the appellant for trespass to land, trespass to chattels and conversion of tribal trade secrets, and also affirms the district court's dismissal of appellant's claim for an order compelling arbitration under a contract that is void pursuant to tribal law, but reverses and remands to the district court the question of whether tribal court jurisdiction exists over the Tribe's claim for conversion of tribal funds under the first exception to *Montana v. United States*, 450 U.S. 544 (1981).

Yankton Sioux Tribe v. U.S. Army Corps of Engineers et al., No. 08-225, 37 Indian L. Rep. 2213 (8th Cir. June 2, 2010). Applying its holding in *Yankton Sioux Tribe v. Podhradsky*, 606 F.3d 994, that the diminished reservation of the Yankton Sioux Tribe consists of allotted lands that remain in trust, additional lands taken into trust, and ceded lands reserved by the 1894 Act (agency trust lands), the U.S. Court of Appeals for the Eighth Circuit affirms the district court's judgment and holds that: (1) fee-patented lands were outside the external boundaries of the reservation before they were acquired by the Army Corps of Engineers, and therefore the Corps' subsequent transfer of the lands to the State of South Dakota did not violate §§ 605(b)(3) and (c)(2) of the Water Resources Development Act of 1999 nor were the lands within the reservation when they were acquired for flood control purposes; (2) allotted lands still held in trust became lands located outside the external boundaries of the reservation when fee simple title was acquired by the Corps for the Fort Randall Dam Project; and (3) the district court did not abuse its discretion in denying the Tribe's motion to disqualify the Department of Justice from representing the Corps.

UNITED STATES COURTS OF APPEALS, 9TH CIR.

Stop the Casino 101 Coalition et al. v. Salazar et al., Nos. 09-16294 and 09-16297, unpublished, 37 Indian L. Rep. 2215 (9th Cir., June 3, 2010). The U.S. Court of appeals for the Ninth Circuit affirms the district court's dismissal for lack of standing to bring an action based on: (1) the de facto cancellation of Williamson Act contracts, and (2) of an action challenging the Interior Secretary's final determination to take certain land into trust on behalf of the Federated Restoration Act.

United States v. Gallaher, Jr., No. 09-30193, 37 Indian L. Rep. 2216 (9th Cir., June 2, 2010). The U.S. Court of Appeals for the Ninth Circuit holds that first degree murder remains a capital offense regardless of whether capital punishment can be imposed in a particular case pursuant to 18 U.S.C. § 3598, which provides that an Indian tribal government may elect whether or not to

have the death penalty apply to persons subject to the criminal jurisdiction of the tribal government.

UNITED STATES COURTS OF APPEALS, 10TH CIR.

Hydro Resources, Inc. v. U.S. Environmental Protection Agency et al., No. 07-9506, 37 Indian L. Rep. 2219 (10th Cir., June 15, 2010). The U.S. Court of Appeals for the Tenth Circuit vacates the EPA final land status determination under the Safe Drinking Water Act on the grounds that EPA's interpretation cannot be reconciled with the plain meaning of 18 U.S.C. § 1151(b) as set out in *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), and holding that the community of reference test did not survive *Venetie*, and that dependent Indian communities under §1152(b) consist only of lands explicitly set aside for Indian use by Congress or its designee and are federally superintended.

Iowa Tribe of Kansas and Nebraska et al. v. Salazar, No. 08-3277, 37 Indian L. Rep. 2243 (10th Cir., June 7, 2010). The U.S. Court of Appeals for the Tenth Circuit holds that sovereign immunity precludes the relief sought by the plaintiffs because the Interior Secretary has already taken the land at issue into trust and that the district court's dismissal for want of jurisdiction was proper and thus dismisses the appeal.

Muscogee (Creek) Nation v. Oklahoma Tax Commission et al., No 09-5123, 37 Indian L. Rep. 2248 (10th Cir., July 9, 2010). In an action asserting that the state highway patrol illegally stopped, illegally searched, and illegally seized the plaintiff's property in violation of 28 U.S.C. § 1983, the U.S. Court of Appeals for the Tenth Circuit affirms the district court's dismissal of the action for want of subject matter jurisdiction based on the Oklahoma Tax Commission's defense of sovereign immunity and dismisses the complaint against Oklahoma Tax Commissioner's finding that plaintiff-appellant's § 1983 claims fail to state a cause of action.

United States v. Yellowbear, No 09-8099, unpublished, 37 Indian L. Rep. 2254 (10th Cir., June 11, 2010). The U.S. Court of Appeals for the Tenth Circuit rejects the appellant's contention that the sentencing judge erred in failing to consider 18 U.S.C. § 3663(a)'s sentencing factors and concludes that the appellant's sentence is substantively reasonable.



RECENT TRIAL COURT DECISIONS

Decisions are separated between Trial Court and Supreme Court decisions and categorized by subject matter and date (from oldest to most recent). The following are summaries prepared by the Staff Attorney for the reader's benefit. They should in no way be used as substitution for citations to the actual court opinion.

Within the Trial Court, cases are categorized and docketed as one of the following: Child Support (CS or if filed prior to 1998, CV), Civil Garnishment (CG), Civil (CV), Criminal (CR), Custody (CU), Domestic Violence (DV), Family (FM), or Juvenile (JV). Within this index, case citations will appear in one of these categories and, in the event it may be helpful to the reader as a research tool, the cases may also be summarized in a separate topic area. Due to the great incidence of civil cases before the Court, the category for civil cases is divided into broad sub-categories. In some instances a decision may touch upon other topics that may not warrant a summary in this index, but the editor will use the indicator "other topic(s) covered," as a research aid for the reader.

RECENT DECISIONS AND **RECENT FILINGS** BOTH BEGIN WITH THE DATE WHERE THE PREVIOUS COURT BULLETIN LEFT OFF.

CHILD SUPPORT CASES

DECEMBER 1, 2010

Hasaner Lewis v. Eric D. Beckam, CS 10-48 *Default Judgment (Enforcing Child Support Against Wages)* (HCN Tr. Ct., Dec. 1, 2010) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Henriette Lloyd-Marshall v. Eric D. Beckam, CS 10-47 *Default Judgment (Enforcing Child Support Against Wages)* (HCN Tr. Ct., Dec. 1, 2010) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely

respond, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 2, 2010

Jaclyn J. Carriaga v. Jorden L. Vidana and State of Wisconsin ex rel. v. Jorden L. Vidana, CS 07-47, 09-61 *Order (Modifying Child Support Obligation Against Per Capita & Wages)* (HCN Tr. Ct., Dec. 2, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's motion to modify against the respondent's per capita and wages. The respondent failed to respond within the prescribed timeframe, thereby allowing the Court to grant the uncontested motion. The Court performed an equitable adjustment due to the respondent's serial payor status.

Waukesha Co. Child Support Division ex rel. v. Timothy M. Kistner, CS 08-01 *Order (Modifying Child Support Against Wages)* (HCN Tr. Ct., Dec. 2, 2010) (Matha, T).

The Court had to determine whether to grant the respondent's motion to modify child support against his wages. The Court assumed acquiescence of the respondent, since he filed the motion regarding the underlying court order. The Court granted the motion.

DECEMBER 1, 2010

Olga Lopez v. Leobardo Vargas, Jr., CS 10-45 *Default Judgment (Enforcing Child Support Against Wages)* (HCN Tr. Ct., Dec. 3, 2010) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent, however, failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 7, 2010

Candy Villannueva v. Matthew Kurtz., CS 10-41 *Default Judgment (Enforcing Child Support & Arrears Against Wages)* (HCN Tr. Ct., Dec. 7, 2010) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent timely answered the petition and requested a hearing. The Court convened a *Hearing* and ordered the respondent to file proper documentation on or before November 29, 2010. The respondent failed to provide the required documents. Therefore, the Court granted recognition and enforcement of the foreign judgment.

Patrice Farnsworth v. Matthew Kurtz., CS 10-40 *Default Judgment (Enforcing Arrears Against Wages)* (HCN Tr. Ct., Dec. 7, 2010) (Rockman, A).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent timely answered the petition and requested a hearing. The Court convened a *Hearing* and ordered the respondent to file proper documentation on or before November 29, 2010. The respondent failed to provide the required documents. Therefore, the Court granted recognition and enforcement of the foreign judgment.

DECEMBER 22, 2010

Nela F. Stacy v. Gregory Harrison., CS 05-66 *Notice (Child Turning 18 – Requiring Proof of Enrollment)* (HCN Tr. Ct., Dec. 22, 2010) (Rockman, A).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

Nela F. Stacy v. Alfreda O. Sky, CS 05-07 *Notice (Child Turning 18 – Requiring Proof of Enrollment)* (HCN Tr. Ct., Dec. 22, 2010) (Rockman, A).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

Roger D. Wallace v. Renea A. Perez, CS 00-29 *Notice (Child Turning 18 – Requiring Proof of Enrollment)* (HCN Tr. Ct., Dec. 22, 2010) (Rockman, A).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

Juneau County v. Chastity A. Miller, CS 99-26 *Notice (Child Turning 18 – Requiring Proof of Enrollment)* (HCN Tr. Ct., Dec. 22, 2010) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

State of Wisconsin ex rel. v. Lohman E. Cloud, CS 00-19 *Notice (Child Turning 18 – Requiring Proof of Enrollment)* (HCN Tr. Ct., Dec. 22, 2010) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

Amy Hennings v. Jerome Cloud, CV 97-118 *Notice (Child Turning 18 – Requiring Proof of Enrollment)* (HCN Tr. Ct., Dec. 22, 2010) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

State of Wisconsin ex rel. v. Jones Randall Funmaker, CS 05-56 *Notice (Child Turning 18 – Requiring Proof of Enrollment)* (HCN Tr. Ct., Dec. 22, 2010) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

State of Wisconsin ex rel. v. Max P. Funmaker, Jr., CS 00-03 *Notice (Child Turning 18 – Requiring Proof of Enrollment)* (HCN Tr. Ct., Dec. 22, 2010) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

Washington County Community Services ex rel. v. Lawrence J. Hengel, CS 00-47 *Notice (Child Turning 18 – Requiring Proof of Enrollment)* (HCN Tr. Ct., Dec. 22, 2010) (Matha, T).

The Court notified the parties of the minor child's pending emancipation, and ordered the parties file proof of enrollment in high school to continue child support.

CIVIL GARNISHMENT CASES

DECEMBER 1, 2010

Alliance Collection Agencies, Inc. v. Lena M. Snowball, CG 10-76 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Dec. 1, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

Alliance Collection Agencies, Inc. v. Daniel S. Downing, CG 09-39 *Order (Satisfaction of Judgment)* (HCN Tr. Ct., Dec. 1, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

DECEMBER 3, 2010

Discover Financial v. Joseph M. Burkhalter, CG 10-116 *Order (Default Judgment)* (HCN Tr. Ct., Dec. 3, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object

to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

HSBC Bank v. Tammy J. Vernon, CG 10-113 Order (Default Judgment) (HCN Tr. Ct., Dec. 3, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Capital One Bank v. Angela L. Johnson, CG 10-102 Order (Satisfaction of Judgment) (HCN Tr. Ct., Dec. 3, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had released the respondent as garnishee.

Gundersen Clinic Ltd. v. David Tuner, CG 10-112 Order (Default Judgment) (HCN Tr. Ct., Dec. 3, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Crane Finance v. Mary Combs, CG 10-132 Order (Default Judgment) (HCN Tr. Ct., Dec. 3, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 15, 2010

Black River Mem'l Hosp. v. Sandra L. Martin, CG 10-83 Order (Satisfaction of Judgment) (HCN Tr. Ct., Dec. 15, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that the respondent has paid in full.

Discover Financial Services v. Melissa A. Lowe, CG 10-02 Order (Satisfaction of Judgment) (HCN Tr. Ct., Dec. 15, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had released the respondent as garnishee.

Bay Fin. Co., LLC v. Mona L. Funmaker, CG 10-44 Order (Satisfaction of Judgment) (HCN Tr. Ct., Dec. 15, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had released the respondent from the garnishment.

DECEMBER 16, 2010

In the Matter of Outstanding Obligations of: Barbara M. Funmaker, CG 10-48 Order (Satisfaction of Judgment) (HCN Tr. Ct., Dec. 16, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that the respondent has paid in full.

Nob Hill Apartment Homes v. April Whitford, CG 10-120 Order (Default Judgment) (HCN Tr. Ct., Dec. 16, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

Dane County Clerk of Courts v. April Whitford CG 10-119 Order (Default Judgment) (HCN Tr. Ct., Dec. 16, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

DECEMBER 21, 2010

State Collection Services, Inc. v. Georgette Jackson, CG 10-121 Order (Default Judgment) (HCN Tr. Ct., Dec. 21, 2010) (Matha, T).

The Court had to determine whether to grant full faith and credit and/or comity to a foreign judgment. The Court afforded the respondent the opportunity to object to the recognition and enforcement of the foreign judgment. The respondent failed to timely respond, leading the Court to grant a default judgment in favor of the petitioner.

In the Matter of Outstanding Obligations of: Victor F. Perez, CG 09-22 Order (Satisfaction of Judgment) (HCN Tr. Ct., Dec. 21, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that the respondent has paid in full.

DECEMBER 23, 2010

Alliance Collection Agencies, Inc. v. Pinkah L. Greengrass, CG 10-67 Order (Satisfaction of Judgment) (HCN Tr. Ct., Dec. 23, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent of any further obligations.

DECEMBER 29, 2010

Mile Bluff Clinic, LLP v. Dee Parpart, CG 10-65 Order (Satisfaction of Judgment) (HCN Tr. Ct., Dec. 29, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent has paid in full.

Black River Memorial v. Angela M. Marek, CG 09-123 Order (Satisfaction of Judgment) (HCN Tr. Ct., Dec. 29, 2010) (Matha, T).

The Court closed the file as the petitioner had indicated that it had relieved the respondent has paid in full.

CIVIL CASES

DECEMBER 23, 2010

Rita A. Gardner v. Tracy Littlejohn et al., CV 10-47 Order (Denying Defendants' July 2010 Motions to Dismiss) (HCN Tr. Ct., Dec. 23, 2010) (Rockman, A).

The Court had to determine whether to grant the defendants' *Motions to Dismiss*. The Court concluded that there was no legal ground for dismissal based upon the defendants' *Motions* and denied the *Motions*.

ADMINISTRATIVE APPEALS

DECEMBER 1, 2010

Sarina Quarderer v. Ho-Chunk Nation Grievance Review Board et al., CV 10-33 Order (Notice of Oral Argument) (HCN Tr. Ct., Dec. 1, 2010) (Rockman, A).

The petitioner requested that the Court entertain oral arguments. The Court granted the request and scheduled the matter for a hearing.

DECEMBER 21, 2010

Caroline R. Koukos v. Ho-Chunk Nation Department of Personnel, CV 10-102 Order (Granting Extension) (HCN Tr. Ct., Dec. 21, 2010) (Rockman, A).

The Court found good cause to grant the petitioner's request for an extension of time to file her initial brief.

CHILDREN'S TRUST FUND (CTF)

DECEMBER 1, 2010

In the Interest of Minor Child: C.L.M., DOB 05/26/98, by Karen L. Klongland v. HCN Office of Tribal Enrollment, CV 09-69 Order (Contempt) (HCN Tr. Ct., Dec. 1, 2010) (Matha, T).

The Court had to determine whether to hold the petitioner in contempt of court for knowingly violating the express terms of several judgments. The petitioner failed to attend the *Show Cause Hearing*, resulting in an inability to rebut the *prima facie* showing of contempt. Therefore, the Court held the petitioner in contempt and imposed a reasonable remedial sanction.

DECEMBER 2, 2010

In the Interest of Minor Children: M.H.W., DOB 12/23/1993; A.H.W., DOB 09/10/1996; and D.H.W., DOB 07/23/1998, by Kathy S. White v. HCN Office of Tribal Enrollment, CV 10-10 Order (Contempt) (HCN Tr. Ct., Dec. 2, 2010) (Rockman, A).

The Court had to determine whether to hold the petitioner in contempt of court for knowingly violating the express terms of several judgments. The petitioner failed to attend the *Show Cause Hearing*, resulting in an inability to rebut the *prima facie* showing of contempt. Therefore, the Court held the petitioner in contempt and imposed a reasonable remedial sanction.

In the Interest of Adult CTF Beneficiary: Harry D. Blackhawk, Jr., DOB 05/12/1986 v. HCN Office of Tribal Enrollment, CV 10-90 Order (Dismissal without Prejudice) (HCN Tr. Ct., Dec. 2, 2010) (Matha, T).

The Court dismissed the instant case due to the petitioner's failure to attend the *Fact-Finding Hearing*.

DECEMBER 3, 2010

In the Interest of Minor Children: S.E.P., DOB 07/31/96; G.P.P., DOB 09/29/98; and D.K.P., DOB 01/01/03, by Myra J. Pemberton v. HCN Office of Tribal Enrollment, CV 10-98 Order (Partially Granting Petition) (HCN Tr. Ct., Dec. 3, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor children for costs associated with orthodontia. The Court partially granted the request, denying a secondary request for clothing.

DECEMBER 10, 2010

In the Interest of Minor Child: R.P., DOB 03/06/06, by Tracy Pecore v. HCN Office of Tribal Enrollment, CV 10-106 Order (Petition Granted) (HCN Tr. Ct., Dec. 3, 2010) (Matha, T).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor

child for costs associated with orthodontia. The Court granted the request.

In the Interest of Minor Child: M.C.D., DOB 03/29/99, by Randall Mann v. HCN Office of Tribal Enrollment, CV 09-75 Order (Accepting Accounting) (HCN Tr. Ct., Dec. 10, 2010) (Matha, T).

The Court previously released funds from the CTF accounts of the minor child for costs associated with orthodontic procedures. The petitioner submitted an account charge activity statement, confirming the proper use of the funds. The Court accepted this accounting.

DECEMBER 14, 2010

In the Interest of Minor Child: B.R., DOB 03/17/1997, by Candace Ringham v. HCN Office of Tribal Enrollment, CV 10-108 Order (Petition Granted) (HCN Tr. Ct., Dec. 14, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with orthodontia. The Court granted the request.

DECEMBER 21, 2010

In the Interest of Minor Child: A.J.F., DOB 01/13/96, by Alona Bush v. HCN Office of Tribal Enrollment, CV 10-94 Order (Requiring Further Documentation) (HCN Tr. Ct., Dec. 21, 2010) (Matha, T).

The Court requested that the parties submit the required documentation prior to determination by the Court.

DECEMBER 22, 2010

In the Interest of Minor Child: B.R.A., DOB 09/01/1993, by Georgianna Funmaker v. HCN Office of Tribal Enrollment, CV 10-112 Order (Petition Granted) (HCN Tr. Ct., Dec. 22, 2010) (Rockman, A).

The Court had to determine whether to grant the petitioner's request to access CTF monies of the minor child for costs associated with dental procedures. The Court granted the request.

CONTRACTS

DECEMBER 2, 2010

Ho-Chunk Nation, Business Department v. Indiana Recycling & Renewable Fuels, LLC, CV 10-01 Order (Motion Hearing) (HCN Tr. Ct., Dec. 2, 2010) (Matha, T).

The Court scheduled a *Motion Hearing* to allow the plaintiff to argue the *Motion for Summary Judgment*, and to provide the defendant the opportunity to offer a response.

DECEMBER 6, 2010

Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Order (Granting Joint Motion to File Amended Reply to Counterclaim) (HCN Tr. Ct. Dec. 6, 2010) (Rockman, A).
The Court granted the stipulated *Motion*.

DECEMBER 20, 2010

Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Stipulated Protective Order (HCN Tr. Ct. Dec. 20, 2010) (Rockman, A).
The Court granted the stipulated *Protective Order*.

DECEMBER 28, 2010

Ho-Chunk Nation v. Money Centers of America, Inc. et al., CV 10-54 Order (Motion to Dismiss for Lack of Jurisdiction: Granting in Part and Denying in Part) (HCN Tr. Ct. Dec. 28, 2010) (Rockman, A).

The Court had to determine whether to dismiss the plaintiff's claims and/or the defendants' counterclaims in the instant action. The Court dismissed several of the claims and counterclaims for lack of jurisdiction, as they do not "aris[e] under the Constitution, laws, customs, and traditions of the Ho-Chunk Nation." However, some of the claims and counterclaims did. The Court had jurisdiction over those claims and counterclaims. The Court also found that those claims and counterclaims, viewed in a light most favorable to the non-moving party, state a proper claim upon which relief may be granted. Therefore, the Court did not dismiss those claims and counterclaims.

ELECTION MATTERS

NO DECISIONS AT THIS TIME.

EMPLOYMENT

NO DECISIONS AT THIS TIME.

ENROLLMENT

NO DECISIONS AT THIS TIME.

HOUSING

NO DECISIONS AT THIS TIME.

INCOMPETENT'S TRUST FUND (ITF)

DECEMBER 2, 2010

In the Interest of Adult Incompetent: B.G.S., DOB 02/07/08, by Teresa Iverson v. HCN Office of Tribal Enrollment, CV 06-34 Order (Motion Granted) (HCN Tr. Ct., Dec. 2, 2010) (Matha, T).

The Court had to determine whether the legal guardian could access monies on behalf of an adult incompetent member from the ITF account to establish a monthly allowance. The Court granted the release of funds to satisfy the request.

RECALL/REMOVAL

NO DECISIONS AT THIS TIME.

DOMESTIC ABUSE

NO DECISIONS AT THIS TIME.

FAMILY

DIVORCE

NO DECISIONS AT THIS TIME.

JUVENILE CASES

DECEMBER 1, 2010

In the Interest of Minor Child: K.B.M., DOB 10/29/1993, JV 10-25 Order (Entrance of a Plea) (HCN Tr. Ct., Dec. 1, 2010) (Rockman, A).

The Court convened a *Plea Hearing* in compliance with the CHILDREN'S ACT. At the hearing, the guardian of the minor child did not wish to contest the allegations. Accordingly, a *Dispositional Hearing* was scheduled for the guardian.

DECEMBER 2, 2010

In the Interest of Minor Child: K.B.M., DOB 10/29/1993, JV 10-25 Capias Order (HCN Tr. Ct., Dec. 2, 2010) (Rockman, A).

The Court directed the appropriate county Sheriff's Office to assist HCN CFS in the retrieval of the minor child.

DECEMBER 7, 2010

In the Interest of Minor Child: K.B.M., DOB 10/29/1993, JV 10-25 Order (Erratum) (HCN Tr. Ct., Dec. 7, 2010) (Rockman, A).

The Court issued an erratum to correct a clerical mistake.

In the Interest of Minor Child: E.F.R., DOB 05/22/98, JV 10-26 Order (Submission of Guardianship Report) (HCN Tr. Ct., Dec. 7, 2010) (Matha, T).

The Court requested that the GAL prepare and submit a timely report to the Court.

DECEMBER 10, 2010

In the Interest of Minor Child: B.H.L., DOB 01/11/2010, JV 10-11 Order (Paternal Reimbursement Obligation) (HCN Tr. Ct., Dec. 10, 2010) (Rockman, A).

The Court had to determine whether to grant the CFS request to establish a paternal reimbursement obligation. The Court partially granted the request.

In the Interest of Minor Child: B.H.L., DOB 01/11/2010, JV 10-11 Order (Maternal Reimbursement Obligation) (HCN Tr. Ct., Dec. 10, 2010) (Rockman, A).

The Court had to determine whether to grant the CFS request to establish a maternal reimbursement obligation. The Court granted the request.

In the Interest of Minor Child: B.H.L., DOB 01/11/2010, JV 10-11 Order (Status Hearing) (HCN Tr. Ct., Dec. 10, 2010) (Rockman, A).

The Court held a hearing in order to reevaluate a case, resulting in the scheduling of a *Child Protection Review Hearing*.

DECEMBER 14, 2010

In the Interest of Minor Child: B.H.L., DOB 01/11/2010, JV 10-11 Order (Erratum) (HCN Tr. Ct., Dec. 14, 2010) (Rockman, A).

The Court issued an erratum to correct a clerical mistake.

DECEMBER 23, 2010

In the Interest of Minor Child: E.W., DOB 08/02/2005, JV 10-11 Order (Paternal Reimbursement Obligation) (HCN Tr. Ct., Dec. 23, 2010) (Rockman, A).

The Court had to determine a paternal reimbursement obligation.

DECEMBER 29, 2010

In the Interest of Minor Child: K.T.T., DOB 08/08/2004, JV 10-24 Order (Dismissal of Petition) (HCN Tr. Ct., Dec. 29, 2010) (Rockman, A).

The Court dismissed the petitioner due to the petitioners' absence at the *Guardianship Hearing*.



RECENT SUPREME COURT DECISIONS

NO DECISIONS AT THIS TIME.



RECENT TRIAL COURT FILINGS



CHILD SUPPORT CASES

DECEMBER 7, 2010.

Mable I. Bellanger v. Andrea J. Littlewolf, CS 10-57 (Matha, T).

Benita L. Moore v. Randal Cloud, CS 10-58 (Matha, T).

State of Wisconsin v. Dennis L. Hopinka, Sr., CS 10-59 (Matha, T).

DECEMBER 15, 2010.

State of Wisconsin ex rel. v. Sabrina E. Eimer, CS 10-59 (Rockman, A).

Ricky D. Wilson v. Deanna L. Hopinka, CS 10-61 (Rockman, A).



CIVIL CASES

DECEMBER 3, 2010

In the Interest of Minor Child: B.R., DOB 03/17/1997, by Candace Ringham v. HCN Office of Tribal Enrollment, CV 10-108 (Rockman, A).

DECEMBER 7, 2010

Janet Carol Trudel v. HCN Office of Tribal Enrollment, CV 10-109 (Matha, T).

DECEMBER 9, 2010

Alice J. Thomas v. HCN Office of Tribal Enrollment, CV 10-110 (Matha, T).

DECEMBER 14, 2010

In the Interest of Minor Child: M.R.W., DOB 04/05/1995, by Miriam Whiteagle v. HCN Office of Tribal Enrollment, CV 10-111 (Rockman, A).

DECEMBER 15, 2010

In the Interest of Minor Child: B.R.A., DOB 09/01/1993, by Georgianna Funmaker v. HCN Office of Tribal Enrollment, CV 10-112 (Rockman, A).

DECEMBER 20, 2010

In the Interest of Minor Child: G.N., DOB 02/25/2000, by Julie Nakia v. HCN Office of Tribal Enrollment, CV 10-113 (Matha, T).

In the Interest of Adult Beneficiary: Zeke White-Hobson, DOB 06/28/1989 v. HCN Office of Tribal Enrollment, CV 10-114 (Matha, T).

DECEMBER 30, 2010

HCN Housing et al. v. James Menore, CV 10-115 (Rockman, A).



CIVIL GARNISHMENT CASES

DECEMBER 1, 2010

Medical X-Ray Consultants v. Jeffrey Dalton, CG 10-122 (Matha, T).

DECEMBER 6, 2010

Black River Memorial Hospital v. Roslind Falcon, CG 10-123 (Matha, T).

Black River Memorial Hospital v. Henry Greengrass, CG 10-124 (Matha, T).

DECEMBER 16, 2010

Speed Cash Loans v. Sara Dobbs, CG 10-125 (Matha, T).

Sauk County Clerk of Court v. Elaine Anderson, CG 10-126 (Matha, T).

Tomah Memorial Hospital v. Daniel A. Krofta, CG 10-127 (Matha, T).

Central Wisconsin Anesthesiology v. Brian K. Decorah, CG 10-128 (Matha, T).

Gunderson Lutheran Clinic v. Roslind Falcon, CG 10-129 (Matha, T).

Huesman Law Office v. Henry Greengrass, CG 10-130 (Matha, T).

Hohn H. Bety v. Henry Greengrass, CG 10-131 (Matha, T).

Crane Financial Services v. Mary Combs, CG 10-132 (Matha, T).

DECEMBER 20, 2010

Dane County Clerk of Courts v. Daniel Pesek, CG 10-133 (Matha, T).

DECEMBER 22, 2010

Black River Memorial Hospital v. Lisa Servant a.k.a. Stoller, CG 10-134 (Matha, T).

Black River Memorial Hospital v. Raye Ann Krpata-Ball, CG 10-135 (Matha, T).

Gunderson Lutheran Clinic v. Raye Anne Krpata-Ball, CG 10-136 (Matha, T).

Gunderson Lutheran Medical Center v. Raye Anne Krpata-Ball, CG 10-137 (Matha, T).

Black River Memorial Hospital v. Anna Reichenbach, CG 10-138 (Matha, T).

DECEMBER 30, 2010

Gunderson Lutheran Medical Center v. Willa Redcloud, CG 10-139 (Matha, T).

Gunderson Lutheran Medical Center v. John Bleske, CG 10-140 (Matha, T).

Black River Memorial Hospital v. John Bleske, CG 10-141 (Matha, T).

Gunderson Lutheran Clinic v. Heather Green, CG 10-142 (Matha, T).

Gunderson Lutheran Clinic v. Glen Kasper, CG 10-143 (Matha, T).

Alliance Collection Agencies v. John Whitewing, CG 10-144 (Matha, T).

 **JUVENILE CASES**

DECEMBER 7, 2010

In the Interest of Minor Child: E.F.R, DOB 05/22/1998, JV 10-26 (Matha, T).

 **FAMILY CASES**

NO CASES FILED AT THIS TIME.

 **DOMESTIC VIOLENCE**

NO CASES FILED AT THIS TIME.



RECENT SUPREME COURT FILINGS

DECEMBER 7, 2010

Kenneth L. Twin v. HCN GRB, SU 10-04.



**HO-CHUNK NATION COURT SYSTEM
JUDICIARY AND STAFF**

Supreme Court – Mary Jo B. Hunter, Chief Justice
Joan Greendeer-Lee, Associate Justice
Dennis Funmaker, Associate Justice
Clerk of Court, Supreme Court– Mary Thunder

Traditional Court – Earl Blackdeer
Wayne Falcon

Dennis Funmaker
Cecil Garvin
Conroy Greendeer
Roy Greengrass
Thomas Hopinkah
Richard Mann
Desmond Mike
Preston Thompson, Jr.
Eugene Thundercloud

Morgan Whiteeagle
Clayton Winneshiek
Trial Court – Todd R. Matha, Chief Judge
Amanda L. Rockman, Associate Judge
Clerk of Court, Trial Court – Marcella Cloud
Assistant Clerk of Court, Trial Court – Selina Joshua
Assistant Clerk of Court, Trial Court – Margaret Falcon
Administrative Assistant – Rosalie Kakkak
Bailiff – Al Carrimon
Law Clerk/Staff Attorney – Rebecca Maki
Law Clerk/Staff Attorney – Zach Atherton-Ely

* The Ho-Chunk Nation Judiciary and its officers are active participants in the following organizations:

WISCONSIN TRIBAL JUDGES ASSOCIATION
(Eleven federally recognized tribes within the State of Wisconsin)

NATIONAL AMERICAN INDIAN COURT JUDGES
ASSOCIATION
(Region 10 — Illinois, Indiana, Michigan, Minnesota, and
Wisconsin)

HCN Judiciary Fee Schedule

Filing Fees

<i>Complaint</i>	\$50.00
<i>Petition for Release of Per Capita Distribution</i> (Children's Trust Fund).....	\$50.00
<i>Motion to Appear Pro Hac Vice</i>	\$35.00
Appellate Filing Fee.....	\$50.00
<i>Petition to Register and Enforce Foreign Judgment/Order</i>	\$20.00
Marriage License Fee.....	\$50.00

Court Fees

Copying	\$0.10/page
Faxing	\$0.25/page (sending & receiving)
CD of Hearings	\$12.50/CD
Deposition Videotape	\$10.00/tape
Certified Copies.....	\$0.50/page
Equipment Rental	\$5.00/hour
Admission to Practice	\$50.00

Legal Citation Forms

The following are example citation forms by legal reference and
citation description.

Ho-Chunk Nation Constitution

Constitution, Article Number, Section, Subsection.
HCN CONST., Art. II, Sec. (or §) 1(a).

Ho-Chunk Nation Code

Ordinance/Act Name Title Number HCC Section.
ELDER PROTECTION ACT, 4 HCC § 1.
EMPLOYMENT RELATIONS ACT, 6 HCC § 5.
(for detailed citation information consult LEGISLATIVE ORGANIZATION
ACT, 2 HCC § 11.36)

HCN Supreme Court Case Law

Case Name, Case Number (HCN S. Ct., month, day, year).
Johnson v. Department, Inc., SU 96-21 (HCN S. Ct. Aug. 14, 1996).

HCN Trial Court Case Law

Case Name, Case Number, (HCN Tr. Ct., month, day, year).
Jane Doe v. Bob Smith, CV 99-01 (HCN Tr. Ct., Nov. 1, 1999).

Ho-Chunk Nation Rules of Civil Procedure

HCN R. Civ. P. 19(B)