

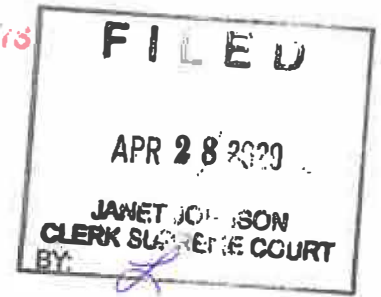
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CLERK SUPREME COURT



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OFFICE OF THE GOVERNOR

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BILL ANOATUBBY
GOVERNOR

R-20-0003

April 20, 2020

Ms. Janet Johnson
Clerk of the Arizona Supreme Court
1501 West Washington Street, Rm 402
Phoenix, AZ 85007-3329

Dear Ms. Johnson:

Thank you for allowing the Chickasaw Nation the opportunity to submit comments to address the proposed amendments to Arizona Supreme Court Rule 39, regarding Pro Hac Vice admission for non-member attorneys involving the Indian Child Welfare Act. The enclosed comments are provided by the Chickasaw Nation.

If you have any questions, please contact Ms. Debra Gee at debra.gee@chickasaw.net or (580) 436-7233. We look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Bill Anoatubby".

Bill Anoatubby, Governor
The Chickasaw Nation

Enclosure

The following comments are provided by the Chickasaw Nation in response to the invitation to comment regarding Arizona Supreme Court Rule 39, regarding the elimination of pro hac vice requirements in Indian Child Welfare cases.

Purpose

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

1. The non-member attorney seeks to appear in an Arizona court for the limited purpose of participating in a child custody proceeding as defined by 25 U.S.C. § 1903, pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq.;
2. The non-member attorney represents a federally recognized Indian tribe as defined by 25 U.S.C. § 1903; and
3. The Indian child's tribe has submitted a pleading to the court seeking to intervene and participate in the state court proceeding and affirming the child's membership or eligibility for membership under tribal law.

Comment

The Chickasaw Nation currently has almost 60 ICWA cases pending in state courts outside of Oklahoma, including Arizona. Additionally, there are over 1,400 Chickasaw citizens living in Arizona and 316 of them are Chickasaw minor children. The proposed amendment would remove barriers to meaningful tribal participation in ICWA cases occurring in Arizona courts which would result in better outcomes for Chickasaw citizens and reduce the need for lengthy and expensive appeals.

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