



Swinomish Indian Tribal Community

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A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 5123

April 30, 2018

Via Electronic Mail: supreme@courts.wa.gov

Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RE: Comments on Proposed Rules; APR 8 – Nonmember Lawyer License to Practice Law

To the Honorable Washington Supreme Court:

I am writing in support of the proposed changes to APR 8 which would allow attorneys representing Indian tribes, who are permitted to practice law in another state, to appear as a lawyer in an action or proceeding involving the Federal or Washington Indian Child Welfare Acts (ICWA), without the requirement to comply with association of counsel and fee and assessment rules, which are burdensome and costly to tribes, and which may delay a tribe's participation in a proceeding where time is of the essence.

The purpose of the landmark Federal ICWA is "...to protect the best interest of Indian Children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children and placement of such children in homes which will reflect the unique values of Indian culture..." (25 U.S.C. 1902). A tribe is entitled to intervene as a party at any stage of a dependency proceeding concerning an Indian child that is enrolled or eligible for enrollment in the tribe. (25 U.S.C. § 1911). The Washington Indian Child Welfare Act contains a similar provision. (RCW 13.38.090).

The proposed amendment removes barriers for attorneys representing tribes and allows tribes to meaningfully and timely participate in ICWA proceedings. Because Tribal participation in ICWA proceedings is as a matter of right under both the Federal and Washington ICWAs, the proposed changes to APR 8 are not only consistent with both Washington and Federal law but also serve to remove practical impediments to the full Tribal exercise of these rights. As such the proposed amendment is also consistent with the government-to-government relation between the State of Washington and tribal governments.

The Swinomish Indian Tribal Community urges your support of this very important amendment.

Thank you,

A handwritten signature in black ink, appearing to read "Stephen T. LeCuyer". The signature is fluid and cursive, with a large loop at the beginning.

Stephen T. LeCuyer

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, April 30, 2018 11:57 AM
To: Tracy, Mary
Subject: FW: Comments on Proposed Rules; APR 8 - Nonmember Lawyer License to Practice Law
Attachments: 20180430_LtrCommentsReAPR8 v3_0.pdf

Importance: High

Forwarding.

From: Wendy Lycklama [mailto:wlycklama@swinomish.nsn.us]
Sent: Monday, April 30, 2018 11:11 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Stephen LeCuyer <slecuyer@swinomish.nsn.us>
Subject: Comments on Proposed Rules; APR 8 - Nonmember Lawyer License to Practice Law
Importance: High

To the Honorable Washington Supreme Court,

The Swinomish Indian Tribal Community respectfully submits its comments in the attached letter in reference to the Admission for Practice Rule 8.

Thank you,

Wendy Lycklama, Paralegal
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Please note: the office is closed on Fridays. Our normal business hours are:
M-W 8:00 am - 6:00 pm
Th 8:00 am - 5:30 pm

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