



## TRIBAL COURT PUBLIC GUIDE

### HOW TO APPEAL A TRIBAL COURT DECISION

*NOTICE: This guide is for informational purposes only and the accuracy of the information is not guaranteed. This information is not legal advice and is not a substitute for legal advice. Court Clerks cannot provide legal advice. You are encouraged to consult with an attorney if you have legal questions.*

**If you disagree with a decision made by the Habematolel Pomo of Upper Lake Court, you can ask the Tribal Court of Appeals to review that decision. This guide provides information on how to request the Tribal Court of Appeals to review the Tribal Court's decision.**

- 1. How do I ask the Tribal Court of Appeals to review a decision?** You can start your appeal of a Tribal Court decision by filing a Notice of Appeal with the Court Clerk. Forms are available from the Court Clerk.
- 2. What kinds of decisions can I appeal?** You can ask the Tribal Court of Appeals to review all final Tribal Court judgments or verdicts.
- 3. When can I file my appeal?** If you are appealing a final decision, you must file a Notice of Appeal within 30 calendar days of the final decision.
- 4. What should I do before I file my appeal?** Get a copy of the decision you want the Tribal Court of Appeals to review and read it. If you decide to file an appeal, you can ask the Court Clerk for the form "Notice of Appeal" or you can draft your own form.
- 5. What do I write in my appeal?** The first document you file is only intended to give the other party notice that you are challenging the Tribal Court's decision. You will have the chance to provide more information to the Tribal Court of Appeals. You must include the decision that you want the Tribal Court of Appeals to review and a brief statement why you believe the decision was wrong.
- 6. How do I file my appeal?** Complete the Notice of Appeal form (or provide your own) and file it with the Court Clerk and pay the filing fee. If you cannot afford a filing fee, you may request a fee waiver from the court. Forms are available from the Court Clerk.
- 7. What happens after I file my appeal?** The Court Clerk will review your appeal to make sure it is complete. If the Court Clerk accepts the appeal, then it will be file stamped. You will receive a copy of your file stamped appeal. The Court Clerk will then deliver your appeal to the Tribal Court of Appeals, which has 10 calendar days to decide if your appeal complies with the Rules of Appellate Procedure. If the Tribal Court of Appeals finds something wrong with your Notice of Appeal, it will issue an order. You should read any order from the Tribal Court of Appeals for instructions.

- 8. What if my appeal is late?** If you are filing your appeal later than the time period to file an appeal, then you must include a request to the Tribal Court of Appeals to accept your appeal anyway. You must explain why you did not file your appeal on time. The Tribal Court of Appeals will decide your request.
- 9. Who provides copies to the other party?** The Court Clerk will provide copies of your Notice of Appeal to the other parties and the Tribal Court Judge. After the Notice of Appeal, however, you will be responsible for providing copies of documents you file to the other party.
- 10. What is the Official Case Record?** The Official Case Record contains all written documents filed with the Tribal Court, including pleadings, reports, notices, depositions, orders and judgments.
- 11. What happens after I receive the Official Case Record?** Review the Official Case Record and the Rules of Appellate Procedure. You have 30 calendar days to file an “Opening Brief” with the Court Clerk.
- 12. What do I write in my Opening Brief?** The Opening Brief is how you explain to the Tribal Court of Appeals in detail why the Tribal Court decision was wrong. You can refer to documents in the Official Case Record and to Tribal law, rules, or regulations. You cannot submit new evidence or call witnesses to testify on your behalf.  
  
Before you file your Opening Brief, you must deliver a copy to the other party by mailing a copy to the other party and complete a proof of service and file it with the Court Clerk with your Statement.
- 13. What happens after I file my Opening Brief?** The Respondent will have 20 calendar days to respond to your Opening Brief. You must receive a copy of its response.  
  
You have 10 calendar days to file a Reply Brief with the Court Clerk. You can use the Reply Brief to address any statements in the Response filed by the Respondent.
- 14. What is “oral argument”?** “Oral argument” is a hearing where you can speak to the Tribal Court of Appeals about your appeal. The Tribal Court of Appeals may send an order setting an oral argument or declining to set an oral argument.
- 15. Do I have to go to oral argument?** Oral argument is your opportunity to talk to the Tribal Court of Appeals about your appeal. The Tribal Court of Appeals’ order setting oral argument will have more information about the rules of oral argument and what may happen if you choose not to attend.
- 16. What kind of decision will the Tribal Court of Appeals make?** The Tribal Court of Appeals has 90 calendar days from the oral argument or the date the last brief was filed to make a decision. The Court may leave the Tribal Court’s decision as is, it may modify the Tribal Court’s decision, or it may reverse the Tribal Court’s decision. The Tribal Court of Appeals may also decide that some parts of the Tribal Court’s decision are correct, and others are not and may include instructions on what the next steps may be.

**For more information:**

More information may be available on the Tribal Court's website at:

<https://www.hpultribe-nsn.gov/government/judiciary/>

General information from the Court Clerk may also be available by sending an email to: [tribalcourt@hpultribe-nsn.gov](mailto:tribalcourt@hpultribe-nsn.gov)