



INSTRUCTION FOR FILING AN APPEAL

1. Should you file an appeal?

At the close of a hearing, you have a right to appeal a decision/order/opinion issued by the Yurok Tribal Court with which you do not agree. **HOWEVER**, you should decide whether it will be in your best interest to file such an appeal.

Ask yourself these questions:

- i. Is there anything in the tribal code that can support my opinion that the judge made a mistake in my case?
- ii. Can I show (with evidence ex. witnesses, papers, or other) that the judge made a decision about what happened in my case that just was not true?
- iii. Am I aware of a Yurok cultural practice that provides a rule for action and/or conduct that would require my case to be viewed in a very different manner (ex. what I did was acceptable, what the other party did was not acceptable, etc.)?

If you answered yes to any of these questions, you may have a “meritorious” appeal (an appeal that you might win).

2. Follow these Steps to File an Appeal:

- a. File a Notice of Appeal.
 - i. This must be done within the schedule given by the court at the end of the hearing
 - ii. If no schedule was given at the hearing, this must be done within **TEN** court days if the decision you are appealing was made during a court hearing.
 - iii. If the court wrote the decision/opinion and did not have a hearing and the court did not set a schedule for appeal, then you have **TWENTY** days to file an appeal.
- b. Serve the Notice of Appeal on the opposing party and the Office of Tribal Attorney.
 - i. File a Proof of Service with the Court Clerk.
 1. Service must be personal service, not email or mail.
 2. Service must be done by someone else (not you) who is not a party to the case and who is over 18.
 3. The person providing service must sign the proof of service under penalty of perjury.
- c. Pay the applicable fee of \$500 (non-refundable and nonwaivable.).
 - i. There is no fee waiver for appeals.
 - ii. This fee is **non-refundable**, whether you win or lose your appeal.
- d. File an OPENING BRIEF.
 - i. Opening Briefs are due **TWENTY** (20) days from the filing of the Notice of Appeal.
 - ii. Serve your Opening Brief, and blank Response Brief form on the opposing party.

- iii. Serve your Opening Brief on the Office of Tribal Attorney
 - iv. File your Proofs of Service.
 - 1. Service must be personal service, not email or mail.
 - 2. Service must be done by someone else (not you) who is not a party to the case and who is over 18.
 - 3. The person providing service must sign the proof of service under penalty of perjury.
 - e. Wait for a RESPONSE BRIEF.
 - i. This must be done within the schedule set by the court at the end of the hearing from which the appeal is based.
 - ii. If no schedule is set, then the Response Brief must be filed within TWENTY days of receiving the Notice of Appeal and Opening Brief.
 - f. File a Closing Brief.
 - i. This must be done within the schedule set by the court at the end of the hearing from which the appeal is based.
 - ii. In no schedule is set, then the Closing Brief must be filed within TEN days of the filing of the Response Brief.
 - iii. Serve the Closing Brief in the same manner as the Opening Brief (Opposing Party, Office of Tribal Attorney and Proofs of Service).
 - g. Additional Briefs?
 - i. Should the Court request any additional brief, they will notify the parties.
 - h. Request for Oral Argument.
 - i. You may request an oral argument. This means you must show up at court at a set hearing date and talk about why you should have won in the original case hearing. You should have already included these arguments in the brief(s) that you have filed.
3. How do I “file” a paper with the court?
 You can do ANY of the following (pick ONE):
- a. At the Court with the Clerk of the Court: located at 230 Klamath Blvd. Klamath, CA 95548: Go to the location and give the Clerk of the Court the documents you want to have filed.
 - b. Due to the fee required before filing, filing the original Appeal request must be in person.
 - c. Subsequent briefs can be filed via mail or email (with permission of the court).
4. What happens if I need records from the court?
- a. You will need to file a Request for Records and pay the appropriate fees (fee-waivers do not apply).
 - b. Fee Schedule is available at the yuroktribalcourt.org website.
 - c. A Request for Records must be filed immediately and all fees paid as this request will stop the above mentioned time requirements.
5. What happens if I need more time?
- a. File a Request for More Time.

- i. The Request must state good cause why you should receive more time. State your best reason as to why you could not file within the time limits stated above (i.e. a medical emergency).
6. What is a Brief?
 - a. A brief is a written statement detailing the legal arguments for the case being appealed. It is the written chance to ask another court to reconsider the decision of a lower court.
7. Can other people file briefs in my appeal?
 - a. Yes. The Respondent is entitled to a Response Brief. In some matters (civil and criminal) an interested third party may seek permission from the court to file an amicus curiae (friend of the court) briefs.
8. What are court days?
 - a. Court days are days that the courthouse is open for business.
9. How do I count court days?
 - a. Court days start counting the day AFTER an order was given and runs until the last specified day.
 - i. Holidays and weekends do not count.