

Wisconsin Tribal Courts Appellate Processes

Prepared for the
Wisconsin Tribal Judges Association
by the
Indian Law Office of Wisconsin Judicare
October 2012

	<i>How are appellate judges selected?</i>	<i>Are appeals heard by individuals or panels?</i>	<i>Deadline for filing appeal/ notice of appeal?</i>	<i>Deadline for briefs?</i>	<i>Rules and timeframe for oral arguments?</i>	<i>Deadline for final judgments or orders?</i>	<i>What filing fees apply to appeals?</i>
Bad River Chippewa Community	Chosen through the WTJA and selected by Clerk of Court of Appeals with approval of tribal council [Sec. 103.10, Bad River Chippewa Tribal Code]	Three-judge panel of non-BRC judges [Sec. 103.9, BRCTC]	No later than 30 days after final order [Sec. 121.9, BRCTC].	45 days from filing of the record on appeal for appellant; 30 days from service or 75 days from filing of appeal for respondent's response brief, whichever occurs first; 15 days from service of response brief for appellees reply brief [Sec. 121.12, BRCTC].	Permitted at discretion of the Court; no time frame given. [Sec. 121.12(f), BRCTC]	No time limit given [Sec.121.13, BRCTC]	\$25 dollars plus the cost of transcripts [Sec. 121.19, BRCTC]
Forest Co. Potawatomi Community	One F.C.P. judge who did not preside over the trial court, chosen randomly, & two judges from other trial courts identified by WTJA and approved by Executive Council (Court Rule 17; FCPC Court Code, Ch. 2-1 §30.1)	Three-judge panel. If appellee asks for and receives a new trial per §30.9, it shall be before only one FCP judge.	Must be filed within 10 days of announcement of final decision in open court, or within 10 days of receipt of notice [§30.3].	Within 15 days of notice of appeal [§30.12].	Given at discretion of appellate court [§30.13]; no time limit given.	No time limit given [§30.14].	\$10 filing fee for appeal [§30.5]. If new trial is requested and granted, total fees of \$20 [§30.10]

	<i>How are appellate judges selected?</i>	<i>Are appeals heard by individuals or panels?</i>	<i>Deadline for filing appeal/ notice of appeal?</i>	<i>Deadline for briefs?</i>	<i>Rules and timeframe for oral arguments?</i>	<i>Deadline for final judgments or orders?</i>	<i>What filing fees apply to appeals?</i>
Ho-Chunk Nation	Elected by the Ho-Chunk Nation; pro tem judges appointed by the Legislature [Article VIII, Sec. 1, Art. VII, Sec. 10, Art. VII, Sec. 13, Ho-Chunk Constitution]	Three-judge panel [Rule 2, HCN Rules of Appellate Procedures]	Notice of Appeal must be filed within 60 calendar days of final order [Rule 11(a), HCNRAP].	Appellant brief within 30 days of appeal filing. Appellee's Response brief within 30 days of receipt of appellant brief. Appellant's Reply brief within 10 days of receipt of Response brief [Rule 12, HCNRAP].	At discretion of Supreme Court, notice served within 10 days [Rule 15, HCNRAP]	Within 60 days after conclusion of oral arguments or, if no oral arguments, after the expiration of time to file a Reply or Response Brief [Rule 16(b), HCNRAP]	\$50 , waivable upon Motion [Rule 4(B), HCN Rules of Civil Procedure, and Rule 9, HCNRAP]
Lac Courte Oreilles Chippewa Community	The Clerk of the Court of Appeals maintains a roster of available judges [Sec. 2.2].	Three-judge panel made up of judges from other tribal courts [Sec. 2.1].	Notice of appeal must be filed and served no later than 30 days after the entry of the final order [Sec. 2.8].	Appellant may file and serve a brief within 45 days of the filing of the record on appeal [Sec. 2.11(a)]. Respondent may file and serve a response brief within 30 days of service of appellant's brief, or within 75 days of the filing of the record on appeal, whichever occurs first [Sec. 2.11(b)]. Appellant may file and serve a reply brief within 15 days of service of respondent's brief [Sec. 2.11(c)].	Permitted at the discretion of the court; no specific timeframe given [Sec. 2.11(e)].	No required time limit for final judgment [Sec. 2.12].	Notice of appeal fee is \$100 , waivable upon indigency [Sec. 2.18(a-c)]. Transcript fees apply beyond first 10 pages

	<i>How are appellate judges selected?</i>	<i>Are appeals heard by individuals or panels?</i>	<i>Deadline for filing appeal/ notice of appeal?</i>	<i>Deadline for briefs?</i>	<i>Rules and timeframe for oral arguments?</i>	<i>Deadline for final judgments or orders?</i>	<i>What filing fees apply to appeals?</i>
Lac du Flambeau Band of Lake Superior Chippewa	Selected by the Tribal Council by majority vote; must be eligible per Art X Sec 5 of LDF Constitution [Art X Sec 7(a), LDF Constitution].	Three-judge panel [Sec. 80.201, LDF Tribal Code]	Appeal to the court shall be taken no later than (20) days after the entry of judgment or order appealed. [Sec. 80.203(2)]	No time frame given.	No time frame given.	No time frame given.	\$25 fee upon filing [Sec. 80.203(3)], unless indigency is filed per Sec. 80.304 .
Menominee Indian Tribe	Appointed by 2/3s vote of Tribal Legislature [§120-5(A)(1) Menominee Tribal Code]	Panel of one Chief Justice and two associate judges [§120-4(A); Article V Tribal Constitution].	Notice of appeal must be filed within 45 days of the judgment or order appealed. [§104.02(1)(b), Menominee Tribal Court Handbook of Appellate Procedure]	Appellant shall file a brief within 40 days of the filing of appeal. [§104.10(1)(a)]. Respondent shall file respondent brief within 15 days of service of appellant's brief. Appellant shall file reply brief or statement that a reply shall not be filed within 15 days of service of respondent brief [§104.10(3-4)].	Statement of reasons as to whether oral argument is necessary shall be included in the brief. [§104.10(1)(c)]; whether oral arguments are held shall be decided by court under standards of §104.13 .	No time frame given.	\$100 to file an appeal [Menominee Court Costs Schedule, IV(A)]

	<i>How are appellate judges selected?</i>	<i>Are appeals heard by individuals or panels?</i>	<i>Deadline for filing appeal/ notice of appeal?</i>	<i>Deadline for briefs?</i>	<i>Rules and timeframe for oral arguments?</i>	<i>Deadline for final judgments or orders?</i>	<i>What filing fees apply to appeals?</i>
Oneida Nation	Selected by the court clerks on a rotating basis.	Panel of 5 judges for appeals, panel of 3 for initial review [Rule 9(A)] and interlocutory appeals	Notice of Appeal must be filed within 10 business days of final order [Rule 2(C)] ; 5-calendar-day limit for interlocutory appeals [Rule 6(A)] .	Appellant brief within 30 days of appeal filing [Rule 13(A)] . Respondent's brief within 30 days of receipt of appellant brief [Rule 14(A)] . Appellant's rebuttal brief within 15 days of receipt of respondent brief [Rule 15(A)] .	Permitted upon finding of need by appellate court, 10 days' notice required [Rule 20(A)]	Final decision is to be issued within 30 days of final deliberation. Goal is to complete entire appeals process within 120 days [Rule 4(D)] .	\$25 upon filing, waivable for indigency [Rule 2(B)] .
Red Cliff Band of Lake Superior Chippewa	The Clerk selects panels by weighted lot (judges who were selected for immediately preceding panel have one ballot for lot selection, all other judges have two) [§31.2.2, Red Cliff Tribal Court Code] . Parties have 48 hours after receiving notice of panel composition to file a written objection [§31.2.4]	Three-judge panel made up of judges duly approved by the Red Cliff Tribal Council [§31.2.1] .	Notice of appeal must be filed within 10 working days of the final decision in open court [§31.5.1] . Grounds for the appeal must be filed within 10 working days of the filing of the notice of appeal [§31.6.1] .	Appellant may file a brief within 30 calendar days of the filing of the grounds for appeal [§31.6.2] . The appellee may file a response brief within 30 calendar days of the filing of appellant's brief [§31.6.3] .	Oral arguments held at the discretion of the Appellate Court and in a manner determined by it [§31.11.1-2] .	Written opinion issued within 30 days after conclusion of oral arguments or, if no oral arguments, after the expiration of time to file a response brief [§31.12.2] . Extensions are permissible with notice [§31.12.3] .	\$100 , \$15 of which is due at with the Notice of Appeal, with the remainder to be paid with the filing of the Grounds for Appeal [§31.8.1] .

	<i>How are appellate judges selected?</i>	<i>Are appeals heard by individuals or panels?</i>	<i>Deadline for filing appeal/ notice of appeal?</i>	<i>Deadline for briefs?</i>	<i>Rules and timeframe for oral arguments?</i>	<i>Deadline for final judgments or orders?</i>	<i>What filing fees apply to appeals?</i>
Sokaogon Chippewa Community (Mole Lake)	The Clerk of Court contacts willing judges from other tribes.	Three-judge panel made up of judges from other tribal courts	Appeal to the court shall be taken no later than 20 days after the entry of judgment or order appealed.	No time frame given.	No time frame given.	No time frame given.	\$25.00 shall be paid to the Clerk of Court upon filing, unless the appellant also files an affidavit of indigence as provided in S.C.C.C. 1.3.4 . The appeal must also be accompanied by a bond in an amount satisfactory to the trial court to guarantee payment of the judgment, including costs.
St. Croix Chippewa Tribe		Three-judge panel [Sec. 201 of the Appeal Code]	Filed with Tribal Court Clerk and served on all parties within 30 days of final order from lower court [Sec. 208(a)].	45 days from filing of the record on appeal for appellant; 30 days from service or 75 days from filing of appeal for respondent's response brief, whichever occurs first; 15 days from service of response brief for appellee's reply brief [Sec. 211 (a-c)].	Oral argument is allowed at discretion of the Court; details and deadlines set by the panel hearing the appeal [Sec. 211(f)].	No time limit for final order.	\$150 for filing.

	<i>How are appellate judges selected?</i>	<i>Are appeals heard by individuals or panels?</i>	<i>Deadline for filing appeal/ notice of appeal?</i>	<i>Deadline for briefs?</i>	<i>Rules and timeframe for oral arguments?</i>	<i>Deadline for final judgments or orders?</i>	<i>What filing fees apply to appeals?</i>
Stockbridge-Munsee Mohicans	Appointment by Chief Judge.	Panel of three judges , one SMC judge who did not preside over the original trial & two judges from other WTJA trial courts, designated by WTJA [§1.6(L)(1), SMC Tribal Code].	Must be filed within 45 days of final judgment for regular appeals, 10 days for interlocutory appeals [§1.6.5(C)(1-2), SMCTC]	Appellant brief within 30 days of appeal filing. Appellee's Response brief within 30 days of receipt of appellant brief. Appellant's Reply brief within 10 days of receipt of Response brief [§1.6.5(C)(4), SMCTC]	Given if Court of Appeals finds it is appropriate, notice served within 10 days [§1.6.5(C)(5), SMCTC]	Within 60 days after conclusion of oral arguments or, if no oral arguments, after the expiration of time to file a Reply or Response Brief. Extensions are permissible with notice. [§1.6.5(C)(6), SMCTC]	Filing fee is \$50 , or at the discretion of Chief Judge.

Appendix—Online Appellate Codes: These links are provided for reference purposes only.

St. Croix Chippewa Tribe: not available online

Oneida Nation: <http://www.oneidanation.org/uploadedFiles/Judicial%20Code%202011.pdf>

Stockbridge-Munsee Mohicans: http://www.mohican-nsn.gov/Departments/Legal/Ordinances/Ch%201,%20Court,%209-17-09_adopted.pdf

Forest County Potawatomi: <http://www.fcpotawatomi.com/PDF/ord/FCPC-Code-Title-2-Chapter-2-1.pdf>

Ho-Chunk Nation: [http://ho-chunknation.com/UserFiles/rules_of_appellate_procedure_8-23-08\(2\).pdf](http://ho-chunknation.com/UserFiles/rules_of_appellate_procedure_8-23-08(2).pdf)

Bad River Chippewa Community: <http://www.badriver-nsn.gov/governance/tribal-court-code>

La Courte Oreilles Chippewa Community: not available online

Sokaogon Chippewa Community (Mole Lake): not available online

Red Cliff Band of Lake Superior Chippewa: not available online

Lac du Flambeau online court code: <http://www.ldftribe.com/Courts/CHAP80%20Tribal%20Court%20Code.pdf>

Menominee Indian Tribe online appellate court code: [http://courts.menominee-nsn.gov/pdf/Handbook%20of%20Appellate%20Procedure%20\(Revised%20June%201991\).pdf](http://courts.menominee-nsn.gov/pdf/Handbook%20of%20Appellate%20Procedure%20(Revised%20June%201991).pdf)