

Preparing a Certified Lower Court Record for Appeals

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Providing an independent Court of Appeals to review decisions made by a tribal court is an essential component impacting the fairness and integrity of effective tribal justice systems. Generally, rules of appellate procedure, tribal council resolutions, and tribal law provide a framework for the proper administration of a Court of Appeals, including the authority and jurisdiction of the court; scope of or limitations on appellate review; and who may practice or present before the Court of Appeals. In order for appeals to proceed in an orderly fashion, it is the duty of trial level courts to properly prepare and transmit a certified lower court record to the Court of Appeals. Utilizing the Southwest Intertribal Court of Appeals (SWITCA) Rules of Appellate Procedure as an example, this session will cover the basic components of an appeal, review appellate rules and forms, receive guidance, and discuss steps for preparing a certified lower court record. Participants will also have the opportunity to examine sample appellate case files.