

**APPENDIX C**

**RULES OF PROCEDURES\***

- Section 1. Rules of Procedure for Pueblo of Laguna Court of Appeals.  
Section 2. Rules of Procedure for Appeals from the Laguna Gaming Control Board.

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\***Editor's note**—Adopted by the courts and reproduced here for ease of practitioner. The practitioner is advised to verify with the courts to determine if there are any updates to these rules.

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**Section 1. Rules of procedure for Pueblo of Laguna Court of Appeals.****1. Time Limits for Appeal.**

- a. Appeals may be taken by any party to an action from an order or judgment of the Pueblo Court. The Pueblo Court shall file its order or judgment within thirty (30) days of the date of hearing or trial on the merits. Within two (2) days of the date of filing of the Pueblo Court order or judgment, the Court Clerk shall send the parties a copy of the Court's filed order by certified mail, restricted delivery, return receipt requested. The Clerk of the Court shall also include in this mailing an explanation of the right to appeal and the rules of procedure governing appeals.
- b. A Notice of Appeal must be filed with the Court Clerk not later than fifteen (15) days from the date of receipt of the order or judgment of the Pueblo Court.
- c. In computing any time period commenced under these rules, the day of the act or event, intermediate Saturdays, Sunday and legal or Pueblo holidays shall not be included. Any time period prescribed under these rules shall not include Saturdays, Sundays or legal holidays. The last day of the time period shall be included unless it falls on a Saturday, Sunday or legal holiday, in which case the period extends to the next day not a Saturday, Sunday or legal holiday.

**2. Filing Fee/Notice of Appeal.** Notices of Appeal from orders or judgments in civil cases shall be accompanied by a filing fee of Ten Dollars (\$10.00). No filing fee is required in appeals from judgments in criminal cases. No Notice of Appeal from a judgment in a civil case will be accepted by the Court Clerk unless the filing fee is paid at the same time the Notice of Appeal is filed, or unless a waiver of the filing fee is granted by the Chief Judge (Governor) of the Court of Appeals or his designate upon submission of an Affidavit of Indigency by the appealing party. Both Waiver and Affidavit shall be filed and made part of the record for later review by the entire panel.

**3. Appeals to Be in Writing.**

- a. All Notices of Appeal shall be in writing. The Notice of Appeal shall contain the following information:
  - i. Name of the party making the appeal and that party's attorney admitted to practice in Pueblo Court or next friend as provided in Article V, Sec. 6 of the Pueblo of Laguna Constitution.
  - ii. Name of the opposing party and his or her attorney admitted to practice in Pueblo Court or next friend for appeal, if known.
  - iii. Style and number of the case as filed in the Pueblo Court.
  - iv. A general statement of the appealing party's reasons for appeal.
  - v. A copy of the Pueblo Court order or judgment appealed from is to be attached to the Notice of Appeal.

- b. The Court Clerk shall make known the procedures for filing an appeal as provided under Section 5-4-1 to any party wishing to file an appeal, but in no instance shall influence, coerce, or counsel the parties as to the substance of their appeal.

**4. Judge to File Statement with Clerk.** Within fifteen (15) working days from the date the Notice of Appeal is filed, the Judge of the Pueblo Court shall file a statement with the Court Clerk setting forth a summary of the testimony and other evidence presented at trial, and the reasons for the decision made by the Judge including conclusions of law which support that decision. Within two (2) days of receipt of the Judge's statement the Court Clerk shall forward a copy of the Judge's statement to the Appellant by certified mail.

**5. Appellant to File Statement.** Within thirty (30) days from the date the Appellant receives the Pueblo Court Judge's statement on the Appeal, the Appellant may file a detailed statement in support of the Notice of Appeal with the Clerk. The statement shall contain the reason(s) the appeal is being taken, specifically indicating the reason(s) why the party making the appeal feels the judgment of the Pueblo Court was wrong. As well, the Appellant may state his or her objections to the Court's statement of facts and conclusions of law and legal authority. In this statement the Appellant may request that the Court of Appeals allow a hearing for oral argument and must explain the need for oral argument.

**6. Notice to Appellee.** Within five (5) days from the date the Court Clerk receives or should have received Appellants' statement pursuant to Section 5-4-5, the Court Clerk shall notify, by certified mail, the party in whose favor the decision of the Pueblo Court was rendered that an appeal has been filed. The notification by the Clerk shall include a copy of the Appellant's Notice of Appeal, the Court's statement as required by Section 5-4-4 and the Appellant's statement permitted by Section 5-4-5, if any. Appellee may file a written statement of his or her position and/or objections to the Court's statement made pursuant to Section 5-4-4 or the Appellant's Notice of Appeal or Statement permitted by Section 5-4-5 with the Clerk within thirty (30) days from the receipt of the Clerk's certified Notice to Appellee that an appeal has been filed.

**7. Clerk to Forward File to Pueblo Secretary.** Within five (5) days from the date the Clerk receives or should have received a statement from the Appellee pursuant to Section 5-4-6, the Clerk shall hand-carry the appeal file to the Pueblo of Laguna Secretary. The appeal file shall consist of the following:

- a. All papers and documents filed in Pueblo Court in the case, including the Complaint, and all other pleadings.
- b. A list of all written documents, reports, photographs, any other exhibits or writings offered as evidence at trial, whether or not the same were admitted into evidence.
- c. The Notice of Appeal as required by Section 5-4-2 and the Appellant's and Appellee's statement as allowed by Sections 5-4-5 and 6.
- d. The statement of the Judge as required by Rule 4.

**8. Petition for Extension of Time.** Appellant or Appellee may for good cause shown apply only once to the Chief Judge of the Court of Appeals, and may receive an extension from the Chief Judge of not more than ten (10) additional working days under Sections 5 or 6 in order to prepare his or her position statement as permitted by Sections 5 and 6. Said petition shall be in writing and signed by the Appellant or Appellee.

**9. Court of Appeals to Consider Appeal.** The Court of Appeals shall review the appeal file within thirty (30) calendar days of receipt of the Appeal file by the Tribal Secretary under Section 5-4-7 and shall have the complete and unreviewable discretion to take any of the following actions:

- a. Decide the Notice of Appeal was not timely filed and summarily dismiss.
- b. Decide that the appeal has no merit and dismiss the appeal without hearing.
- c. Decide that factual legal questions are involved and decide to affirm, reverse or remand with further instructions, the judgment of the Pueblo Court pursuant to Section 5-4-10.
- d. Decide that the appeal has sufficient merit to allow oral argument. Oral argument may be deemed appropriate and necessary by the Court of Appeals; however, oral argument is discretionary as determined by the Court of Appeals.
- e. The Court of Appeals may require additional legal memoranda from the parties upon review of the evidence presented in the Pueblo Court prior to entering its final decision.

**10. Decision of the Court of Appeals.**

- a. The Court of Appeals shall limit its review to the record of the Pueblo Court proceeding, legal issues raised in the parties' written statements and by oral argument, if any. All decisions of the Court of Appeals shall be in writing.
- b. The Court of Appeals in its discretion may issue a formal written opinion in a case. Such formal opinions shall give the opinion value as precedent.
- c. When the Court of Appeals decides one or more of the following circumstances exists, it may dispose of the case by order, decision or memorandum opinion:
  - i. The issues presented have been previously decided by the Court of Appeals;
  - ii. The presence or absence of substantial evidence disposes of the issue;
  - iii. The issues are answered by statute or rules of court;
  - iv. The asserted error is not prejudicial to the complaining party;
  - v. The issues presented are manifestly without merit.
- d. The decision of the Court of Appeals shall be final and not subject to further review.

**The Tribal Council has changed the rules for appealing a case from Pueblo Court to the Pueblo Court of Appeals. It is important to know your rights to appeal.**

1. If you are party to a civil or criminal case in Pueblo Court, you will receive the Court's order or judgment by certified mail, restricted delivery, return receipt requested.
2. In order to appeal your case to the Court of Appeals, you must file a Notice of Appeal with the Court Clerk within fifteen (15) days from the date you received the order of the Pueblo Court by certified mail.

The fifteen-day time period starts on the day after you receive the Court's order by certified mail, unless that day falls on a legal holiday, Saturday or Sunday. In that event, you start counting from the next regular working day. The fifteen-day period does not include any legal holidays, Saturdays or Sundays. The last day you have to file does not include legal holidays, Saturdays or Sundays. For example, if the fifteenth (15th) day in which you have to file your Notice of Appeal falls on July 4th, you need not file with the Court Clerk until July 5th, if that day is a regular working day.

- a. Your Notice of Appeal must be in writing and you must pay a Ten dollar (\$10.00) filing fee if you are a party to a civil case. No filing fee is required in appeals from criminal cases. If you do not have the ten dollar filing fee, you must file an Affidavit of Indigency with the Chief Judge of the Court of Appeals and the Chief Judge may grant a Waiver of the ten dollar (\$10.00) filing fee.
- b. Your Notice of Appeal must include your name and the name of your attorney or next of friend, if any, and the name of the opposing party and his or her attorney or next of friend, if any. You must include a copy of the Pueblo Court order you received by certified mail and in your notice identify the case name and number. In this Notice of Appeal you should make a general statement as to your reasons for filing the appeal.
- c. After seventeen (17) days of filing your Notice of Appeal, you will receive a copy of the Court's Statement regarding your appeal. You then have thirty (30) days from the date you receive the Court's Statement in which you may file your detailed statement in support of your Notice of Appeal with the Clerk of the Court. This statement, if you wish to file it, should contain the reasons for the appeal, why you feel that Pueblo Court was wrong and why you object to the Court's Statement. In your statement you must request oral argument before the Court of Appeals if you desire to be heard before the Court of Appeals. The Court of Appeals may or may not grant you a hearing before the Court of Appeals.
- d. If you have not filed a Notice of Appeal in a case, but you are a party in the case, you shall receive a copy of the appealing party's Notice of Appeal, statement and the Court's Statement. You have thirty (30) days in which to file your statement regarding the Appeal if you so desire.
- e. If you need additional time in which to file your more complete statement of appeal or response to the appealing party's statement, you may petition the Chief

Judge of the Court of Appeals in writing for a one-time extension for not more than ten (10) additional working days. The Chief Judge may grant an extension if there are good reasons for doing so.

- f. The Court of Appeals will contact you if it wishes you to appear before it for oral argument. Otherwise, the Court of Appeals will make its decision within thirty (30) days of receiving the complete appeal file from the Court Clerk. The Court of Appeals decision is final.

If you wish additional explanation on these rule changes, please contact your village officers.

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**Section 2. Rules of procedure for Appeals from the Laguna Gaming Control Board.****Decisions to the Pueblo Court****1. Notice of Appeal and Time Limits for Appeal.**

- a. Appeals may be taken by any party from a decision of the Laguna Gaming Control Board to the Pueblo of Laguna. A Notice of Appeal must be filed with the Court Clerk and served on the Control Board and all other interested parties, no later than thirty (30) days from the date of the decision of the Control Board.
- b. In computing any time period commenced under these rules, the day of the act or event, intermediate Saturdays, Sundays, legal and Pueblo holidays shall not be included. Any time period prescribed under these rules shall not include Saturdays, Sundays, legal or Pueblo holidays. The last day of the time period shall be included unless it falls on a Saturday, Sunday, legal or Pueblo holiday, in which case the period extends to the next day not a Saturday, Sunday or Pueblo holiday.

**2. Filing Fee for Notice of Appeal.** Notice of Appeal from orders or judgment in civil cases shall be accompanied by a filing fee of Twenty-five Dollars (\$25.00). No Notice of Appeal from a Control Board decision will be accepted by the Court Clerk unless the filing fee is paid at the same time as the Notice of Appeal is filed.

**3. Notice of Appeal to be in Writing.**

- a. All notices of appeal shall be in writing. The Notice of Appeal shall contain the following information:
  - i. Name of the party making the appeal and the party's attorney admitted to practice in Pueblo Court or next friend as provided in Article V, Sec. 6 of the Pueblo of Laguna Constitution.
  - ii. Style and number of the case as filed with the Laguna Gaming Control Board.
  - iii. A general statement of the appealing party's reasons for appeal.
  - iv. A copy of the Control Board decision appealed from is to be attached to the Notice of Appeal.
- b. The Court Clerk shall make known the procedures for filing an appeal as provided under Section 5-5-1 to any party wishing to file an appeal, but in no instance shall influence, coerce, or counsel the parties as to the substance of their appeal.

**4. Control Board to File Statement with Clerk.** Within fifteen (15) working days after receipt of the Notice of Appeal from the Appellant, the Control Board shall file a statement with the Court Clerk setting forth a summary of the testimony and other evidence presented at trial, and the reasons for the decision made by the Control Board including conclusions of law which support that decision. Within five (5) days of receipt of the Control Board's statement the Court Clerk shall forward a copy of the statement to the party appealing by certified mail.

5. **Appellant to File Statement.** Within fifteen (15) days from the date the Appellant receives the Control Board statement on the Appeal, they may file a detailed statement in support of the Notice of Appeal with the clerk. The statement shall contain the reason(s) the appeal is being taken, specifically indicating the reason(s) why the Appellant believes the Control Board's decision was wrong. The Appellant may also state his or her objections to the Control Board's summary of facts and conclusions of law and legal authority. In this statement the Appellant may request that the Pueblo Court allow a hearing for oral argument and must explain the need for oral argument.

6. **Notice of Control Board.** Within five (5) days from the date the Court Clerk receives or should have received Appellant's statement pursuant to Section 5-5-5, the Court Clerk shall forward by certified mail, the Appellant's statement or lack of statement to the Control Board. The notification by the Clerk shall include a copy of the Appellant's Notice of Appeal. The Control Board may file a written statement of its position and/or objections to the Appellant's Notice of Appeal or Statement permitted by Section 5-5-5 with the Clerk within fifteen (15) days from the receipt of the Clerk's certified Notice of Control Board.

7. **Request for Extension of Time.** Appellant or the Control Board, may for good cause shown request only once to the Pueblo Court Judge and may receive an extension from the Tribal Judge of not more than ten (10) additional working days under Sections 5-5-4, 5 or 6 in order to prepare his or her statement as permitted by Sections 5-5-4, 5 or 6. Said request shall be in writing and signed by the Appellant or the Control Board.

8. **Pueblo Court to Consider Appeal.** The Pueblo Court shall review the appeal file within thirty (30) days of receipt of the written statement filed by the Control Board under Section 5-5-6 and shall have the complete and unreviewable discretion to take any of the following action:

- a. Decide the Notice of Appeal pursuant to Section 5-5-1 was not timely filed and summarily dismiss.
- b. Decide that the appeal has no merit and dismiss the appeal without hearing.
- c. Decide that factual legal questions are involved and decide to affirm, reverse or remand, with further instructions, the decision of the Control Board.
- d. Decide that the appeal has sufficient merit to allow oral argument. Oral argument may be deemed appropriate and necessary by the Pueblo Court however, oral argument to discretionary as determined by the Pueblo Court.
- e. The Court of Appeals may require additional legal memoranda from the parties upon review of the evidence presented in the Pueblo Court prior to entering its final decision.
- f. Decide to schedule an appeal hearing.

**9. Decision of the Pueblo Court.**

- a. The Pueblo Court shall limit its review to the record of the proceeding, legal issues raised in the parties' written statement and by oral argument, if any. All decisions of the Court of Appeals shall be in writing.
- b. When the Court of Appeal decides one (1) or more of the following circumstances exists, it may dispose of the cause by order, decision or memorandum opinion:
  - i. The issues presented have been previously decided by the Pueblo Court;
  - ii. The presence or absence of substantial evidence disposed of the issue;
  - iii. The issues are answered by the rules of court;
  - iv. The asserted error is not prejudicial to the complaining party;
  - v. The issues presented are manifestly without merit.
- c. The decision of the Pueblo Court shall be final and not subject to further review.

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