

STA Appellate Code
(06.04)

APPELLATE CODE OF THE
SITKA COMMUNITY ASSOCIATION INDIAN TRIBE

Section 1.1 Establishment. There is hereby established the Court of Appeals of the Sitka Community Association ("SCA") Indian Tribe. The Court of Appeals shall consist of the Governing Council of SCA, or a quorum thereof. Members of the Governing Council, while sitting as Appellate Judges shall receive compensation in an amount to be determined, and shall act as a body.

Section 1.2 Jurisdiction. The Court of Appeals shall exercise its powers in a manner not inconsistent with the Constitution and Bylaws of the SCA Indian Tribe.

Section 1.3 Court Rules. The Court of Appeals may publish its own rules governing procedures in court, requirements for practice, and such other matters that the Court of Appeals deems appropriate.

Section 1.4 Scope of Review. The Court of Appeals may review any action taken by the lower court upon consideration of a properly filed appeal by a party to the lower court action, or upon its own motion. This scope of review shall include, but not be limited to matters of law, procedure, and jurisdiction. The Court shall have the power to adjudge the sufficiency of evidence supporting findings of fact in the lower court, but otherwise shall not review any determination of fact made by the trial court, and in this regard appeals are "on the record" only.

Section 1.5 Procedure. In addition to other compatible rules which the Court of Appeals may adopt, the following rules shall apply:

a) Within 30 days of the entry of a final judgment by the trial court, the party against whom such judgment was made shall file a "Petition For Appeal" with the Clerk of the trial court, who shall immediately refer the Petition to the Court of Appeals secretary. The Petition shall clearly set forth "Points on Appeal" and shall be accompanied by a brief in support. The Petitioner shall designate the record on appeal.

b) Within 30 days of the filing of the Petition For Appeal, the Court of Appeals shall convene to consider whether to hear the appeal. This meeting shall be in chambers, and not of record. There is no absolute right to appeal, and the Court of Appeals may dismiss the Petition if it seems frivolous or without merit. If the Petition is deemed to have merit and is within the scope of the Court of Appeals' power to review, it shall issue an order granting consideration of the appeal.

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C) Once an appeal is granted, the Court of Appeals shall schedule whatever briefing, oral arguments, and other hearings as it deems appropriate.

d) The Court of Appeals shall consider granting an appeal of an interlocutory order only if the trial judge certifies the petition. Refusals to certify interlocutory petitions are not appealable. However, in extraordinary circumstances, the Court of Appeals may hear an interlocutory appeal if the interests of Justice are served thereby.

e) A proposed decision of the Court of Appeals shall require a majority vote of the Justices in attendance of the particular appeal.

f) The Court of Appeals shall convene upon three days notice to the Governing Council, unless such notice is waived by attendance or through a writing.

g) No member of Tribal Court shall be a member of the Appellate Court.

h) No member of the Council when presiding as Appellate Court shall be in conflict with or a party to any case before the court.