

CHAPTER THREE

APPEALS

48. APPEALS FROM THE TRIAL COURT

Rule 48. APPEALS FROM THE TRIAL COURT

- a. Appeals. Appeals shall be heard by the Oneida Indian Nation Appellate Court.
- b. Right to Appeal. Any party who is aggrieved by a decision or order of the Oneida Nation Trial Court may appeal in the manner prescribed by this Rule.
- c. Time; Notice of Appeal. Except as otherwise provided, within thirty (30) days from receipt of the decision or order the party wishing to appeal must file with the Appellate Court a written notice of appeal specifying the parties to the appeal, a short statement of the reason or grounds for the appeal and a filing fee of \$50.00. The clerk shall file the notice and mail copies, to be provided by the appealing party, to all other parties to the appeal at their last known address.
- d. Parties. The party taking the appeal shall be referred to as the appellant; the other party shall be referred to as the respondent. The name of the case shall be the same as that used by the Trial Court.
- e. Briefs and Memoranda. Within thirty (30) days of the filing of the Notice of Appeal or within such longer time as the Appellate Court shall allow, the appellant shall file a written brief, memorandum or statement in support of his appeal. An original shall be filed with the clerk and one additional copy shall be served upon or mailed to each other party or his attorney. The respondent shall have twenty (20) days after receipt of the appellant's brief, memorandum or statement within which to file a reply brief, memorandum or statement and shall file and serve such in the same manner as the appellant's brief, memorandum or statement. No other response shall be allowed either party without leave of court.
- f. Argument. The Court shall decide all cases upon the brief, memoranda and statements filed plus the record of the Trial Court without oral argument unless either party requests oral argument and shows to the court that such will aid the court's decision, or unless the court decides on its own motion to hear oral argument.
- g. Decision. The Court shall issue a written decision and all judgments on appeal shall be final.

49. APPEALS FROM THE CLAIMS COMMISSION

Rule 49. APPEALS FROM THE CLAIMS COMMISSION

- a. Appeals. Appeals shall be heard by the Oneida Indian Nation Trial Court.
- b. Right to Appeal. Any party who is aggrieved by a decision or order of the Oneida Indian Nation Claims Commission may appeal in the manner prescribed by this Rule.
- c. Time; Notice of Appeal. Within thirty (30) days from receipt of the decision or order the party wishing to appeal must file with the Trial Court a written notice of appeal specifying the parties to the appeal, a short statement of the reason or grounds for the appeal and a filing fee of \$50.00. The clerk shall file the notice and mail copies, to be provided by the appealing party, to all other parties to the appeal at their last known address.
- d. Parties. The party taking the appeal shall be referred to as the appellant; the other party shall be referred to as the respondent. The name of the case shall be the same as that used by the Claims Commission.
- e. Briefs and Memoranda. Within thirty (30) days of the filing of the Notice of Appeal or within such longer time as the Trial Court shall allow, the appellant shall file a written brief, memorandum or statement in support of his appeal. An original shall be filed with the clerk and one additional copy shall be served upon or mailed to each other party or his attorney. The respondent shall have twenty (20) days after receipt of the appellant's brief, memorandum or statement within which to file a reply brief, memorandum or statement and shall file and serve such in the same manner as the appellant's brief, memorandum or statement. No other response shall be allowed either party without leave of court.
- f. Argument. The Court shall decide all cases upon the brief, memoranda and statements filed plus the record of the Claims Commission without oral argument unless either party requests oral argument and shows to the court that such will aid the court's decision, or unless the court decides on its own motion to hear oral argument.
- g. Standard of Review.

The standard of review is whether the decision of the Claims Commissioner was arbitrary and capricious and whether there was a rational basis to support the determination.
- h. Decision. The Trial Court shall issue a written decision and all judgments on appeal

shall be final.