

**IN THE APPELLATE COURT
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE
FLATHEAD NATION, PABLO, MONTANA**

PUBLIC NOTICE OF PROPOSED CHANGES TO APPELLATE STATUTES AND RULES	NOTICE
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The Appellate Court provides notice that it will be requesting amendment of a number of appellate statutes and rules, and proposing several new rules. The proposed changes are attached to this notice. Public comments about these proposed changes can be made by sending an email to Rules.Comment@cstkt.org. Public comments will be accepted through May 10, 2026. After that date the comments will be collected, and will be presented at a later date to the Tribal Council for consideration along with the proposed changes.

Dated this 8th day of April, 2026.



Chief Justice James Park Taylor

**Draft Proposed Changes to Appellate Court Statutes
and Rules- April 8 , 2026**

**Appellate Court Ordinance 103-A
Proposed Amendments to statutes and rules**

Part 8 – Court of Appeals

Current statute

1-2-802. Administration. (1) The Chief Justice is responsible for the administrative and fiscal management of the Court of Appeals and for the presentation of its annual budget proposal to the Tribal Council. In connection with such management, the Chief Justice may, on behalf of the Court of Appeals, apply for grants and contracts to provide supplementary funding. If such applications require Tribal matching funds for their implementation, prior approval of the Tribal Council is required.

Proposed Change (changes in RED)

1-2-802. Administration. (1) The Chief Justice is responsible for the administrative and fiscal management of the Court of Appeals and for the presentation of its annual budget proposal to the Tribal Council, **or by such other method as the Council may establish.** In connection with such management, the Chief Justice may, on behalf of the Court of Appeals, apply for grants and contracts to provide supplementary funding. If such applications require Tribal matching funds for their implementation, prior approval of the Tribal Council is required.

Current Statute

1-2-803. Time and format of decision. All decisions, orders, or judgments of the Court of Appeals shall be rendered in writing by a

majority of the Justices hearing the appeal or special proceeding and filed with the Appellate Administrator within 60 days of the date of oral argument or of stipulation by the parties that the matter will be decided on briefs, without oral argument.

The Justices hearing the matter shall select one Justice, by consensus, from within the panel to be the primary author of the opinion. The Justice selected to author the opinion shall render a draft opinion for review by the remaining panel members by no later than 45 days after the oral argument or after the date of stipulation to hear the matter on the briefs without oral argument. Failure of the primary author to meet the 45 day time frame above shall constitute neglect of judicial duties and may result in removal.

A Justice who concurs in the result of the majority decision, but not in its reasoning, may file a concurring opinion simultaneously with the majority opinion. A Justice who dissents from the result of the decision may file a simultaneous dissenting opinion. Copies of a ruling and opinion by the Court of Appeals shall be delivered to the parties by the Appellate Administrator within one working day of its filing. Delivery may be made personally or by depositing a copy in the U.S. Mail, first class postage prepaid. *(Rev. 4-1-04)*

Proposed Change (changes in RED)

1-2-803. Time and format of decision. All decisions, orders, or judgments of the Court of Appeals shall be rendered in writing by a majority of the Justices hearing the appeal or special proceeding and filed with the Appellate Administrator within 60 days of the date of oral argument or of stipulation by the parties that the matter will be decided on briefs, without oral argument.

The Justices hearing the matter shall select one Justice, by consensus, from within the panel to be the primary author of the opinion. The Justice selected to author the opinion shall render a draft opinion for review by the remaining panel members by no later than 45 days after the oral argument or after the date of stipulation

to hear the matter on the briefs without oral argument. Failure of the primary author to meet the 45 day time frame above shall constitute neglect of judicial duties and may result in removal.

A Justice who concurs in the result of the majority decision, but not in its reasoning, may file a concurring opinion simultaneously with the majority opinion. A Justice who dissents from the result of the decision may file a simultaneous dissenting opinion. Copies of a ruling and opinion by the Court of Appeals shall be delivered to the parties by the Appellate Administrator within **three working days** of its filing. Delivery may be made personally or by depositing a copy in the U.S. Mail, first class postage prepaid, **or through electronic means. All opinions must be signed by the participating justices, by original or electronic signature.** *Rev. 4-1-04)*

Current Statute

1-2-806. Times of convening. The Court of Appeals will convene in regular session to hear and decide appeals for four weeks a year, which shall be the second week of February, April, June, and October. As necessary, the Chief Justice may call a special session of the Court of Appeals, schedule and assign opinion preparation, and adjourn a regular or special session when the business of the Court is concluded.

Proposed Change (changes in RED)

1-2-806. Times of convening. The Court of Appeals will convene in regular session to hear and decide appeals for four weeks a year, **which shall be the second week of January, April, August, and October.** As necessary, the Chief Justice may call a special session of the Court of Appeals, schedule and assign opinion preparation, and adjourn a regular or special session when the business of the Court is concluded.

Current Statute

1-2-807. Rules of Court. To supplement the Rules of Appellate Procedure at Title I, Chapter 2, Part 9, the Court of Appeals, with the approval of the Tribal Council, may adopt such rules of practice, procedure, and administration as may improve or facilitate Court operations.

Proposed Change (changes in RED)

1-2-807. Rules of Court . To supplement the Rules of Appellate Procedure at Title I, Chapter 2, Part 9, the Court of Appeals, with the approval of the Tribal Council, may adopt such rules of practice, procedure. **Rules for the internal administration of the Court do not require Council approval, but shall be published by the Court and made publicly available.**

Current Statute

1-2-810. Qualifications. Three Justices, including the Chief Justice, shall be attorneys at law, qualified to practice before the Tribal Court, with not less than five years' experience in the practice of law or on the bench, or a combination or the equivalent thereof. Indian preference will be applied in the selection of these Justices.

Proposed Change (changes in RED)

1-2-810. Qualifications. Three Justices, including the Chief Justice, shall be attorneys at law, qualified to practice before the Tribal Court, with not less than five years' experience in the practice of law or on the bench, or a combination or the equivalent thereof. **Tribal** preference will be applied in the selection of these Justices.

Current Statute

1-2-812. Additional powers and duties of Justices. (1) In addition to the powers and duties expressed in or necessarily implied from this Part and the Rules of Appellate Procedure,

(a) each Justice has the emergency powers, pending review by the full Court of Appeals,

(i) upon the Justice's own motion or that of a party, to issue a citation for criminal or civil contempt of court or other sanction as may be appropriate in the circumstances to a person appearing before the Court whose conduct is disruptive, contemptuous, or otherwise sanctionable, or to a person disobeying an order of the Court,

(ii) to order the Tribal police to provide for and to maintain the order and security of the courtroom,

(iii) to stay execution of a trial court sentence, judgment, or imposition of sanctions pending appeal, and

(iv) to issue a writ of habeas corpus.

(b) Each Justice has the duty

(i) if a lay Justice, to participate in inservice instruction, training, or consultation with other Justices of the Court and with organizations offering short courses in appellate work. Topics of such in-service education shall include, but are not limited to, such matters as appellate court jurisdiction and procedures, procedures for original or special proceedings in the Court of Appeals, limitations on the appealability of issues of law and fact, remedies, and options for disposition of matters heard,

(ii) if an attorney Justice, to assist with the in-service training of lay Justices,

(iii) to attend bench conferences dealing with the cases to which the Justice is assigned and to prepare or to oversee the preparation of bench memoranda as assigned, and

(iv) to protect and preserve the high standards of the Tribal judiciary, and to abide by the Model Canons of Judicial Ethics of the American Bar Association.

(2) A bench memorandum of law shall be prepared, prior to a bench conference, for each appeal taken. Such memorandum shall be produced in a timely fashion by a Justice who is an attorney and a member of the panel assigned to the case. If sufficient funds are available, the responsible Justice may delegate the preparation of a memorandum of law to an individual or firm qualified to provide legal research assistance.

Proposed Change (changes in RED)

1-2-812. Additional powers and duties of Justices. (1) In addition to the powers and duties expressed in or necessarily implied from this Part and the Rules of Appellate Procedure,

(a) each Justice has the emergency powers, pending review by the full Court of Appeals,

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(ii) to order the Tribal police to provide for and to maintain the order and security of the courtroom,

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(iv) to issue a writ of habeas corpus.

(b) Each Justice has the duty

(i) if a lay Justice, to participate in inservice instruction, training, or consultation with other Justices of the Court and with organizations offering short courses in appellate work. Topics of such in-service education shall include, but are not limited to, such matters as appellate court jurisdiction and procedures, procedures for original or special proceedings in the Court of Appeals, limitations on the appealability of issues of law and fact, remedies, and options for disposition of matters heard,

(ii) if an attorney Justice, to assist with the in-service training of lay Justices,

(iii) to attend bench conferences dealing with the cases to which the Justice is assigned and to prepare or to oversee the preparation of bench memoranda as assigned, and

(iv) to protect and preserve the high standards of the Tribal judiciary, **judges shall comply with the American Bar Association's Model Code of Judicial Conduct, as amended, except where inconsistent with Tribal law or court rule.**

(2) A bench memorandum of law shall be prepared, prior to a bench conference, for each appeal taken. Such memorandum shall be produced in a timely fashion by a Justice who is an attorney and a member of the panel assigned to the case. If sufficient funds are available, the responsible Justice may delegate the preparation of a memorandum of law to an individual or firm qualified to provide legal research assistance.

Current Statute

1-2-813. Disqualification, recusement, and unavoidable absence.

(1) (a) Within 10 days of the time a party to a proceeding is notified by the Appellate Administrator of the membership of the panel that is assigned to determine the matter, the party may move the Court of Appeals for the disqualification of a Justice so assigned. One such motion shall be granted as a matter of right for each party to the proceeding.

Proposed Change (changes in RED)

1-2-813. Disqualification, recusement, and unavoidable absence. (1) (a) **Within 10 days of the time a party to a proceeding is notified by the Appellate Administrator of the membership of the panel that is assigned to determine the matter, the party may move that** one or more Justices be disqualified from a panel for bias or other good cause shown. Such motion shall be supported by an affidavit and, if opposed by a party or a Justice, shall be heard by a panel of Justices other than those sought to be disqualified.

Part 9 – Rules of Appellate Procedure

Current Rule

Rule 1. Notice of Appeal (1) An appeal shall be taken by filing a notice of appeal with the Appellate Administrator, with a copy to the Clerk of the Tribal Court within 20 days of the date of the final judgment or order of the trial court. Failure of an appellant to timely file a notice of appeal is ground for dismissal of the appeal.

(2) Appeals may be consolidated by order of the Court of Appeals upon its own motion or upon motion of a party, or by stipulation of the parties to the several appeals.

(3) The notice of appeal shall specify the party or parties taking the appeal, and shall designate the judgment, order, or part of either appealed from.

(4) The Appellate Administrator shall serve notice of the filing of a notice of appeal by mailing a copy thereof, together with a copy of the Rules of Appellate Procedure to counsel of record for each party other than the appellant, or, if a party is not represented by counsel to the party at his last known address. The Administrator shall note on each copy served the date on which the notice of appeal was filed. If an appellant is represented by counsel, such counsel shall provide the Administrator with sufficient copies of the notice of appeal to permit the Administrator to comply with the requirements of this rule. Failure of the Administrator to serve notice shall not affect the validity of the appeal. The Administrator shall note in the appellate docket the names of the parties to whom copies have been mailed, with the date of mailing.

Proposed Change (changes in RED)

Rule 1. Notice of Appeal. (1) An appeal shall be taken by filing a notice of appeal with the Appellate Administrator **within 20 days of the date of the final judgment or order of the trial court. The 20 days begins to run on the date the clerk mails notice to the parties of the final judgment or order. Failure of an appellant to timely file a notice of appeal is ground for dismissal of the appeal. The Appellate Administrator shall send** a copy to the Clerk of the Tribal Court **through the Tribal mail or through electronic means.**

(2) Appeals may be consolidated by order of the Court of Appeals upon its own motion or upon motion of a party, or by stipulation of the parties to the several appeals.

(3) The notice of appeal shall specify the party or parties taking the appeal, and shall designate the judgment, order, or part of either appealed from.

(4) The Appellate Administrator shall serve notice of the filing of a notice of appeal by mailing a copy thereof, together with a copy of the Rules of Appellate Procedure to counsel of record for each party other than the appellant, or, if a party is not represented by counsel to the party at his last known address. The Administrator shall note on each copy served the date on which the notice of appeal was filed. If an appellant is represented by counsel, such counsel shall provide the Administrator with sufficient copies of the notice of appeal to permit the Administrator to comply with the requirements of this rule. Failure of the Administrator to serve notice shall not affect the validity of the appeal. The Administrator shall note in the appellate docket the names of the parties to whom copies have been mailed, with the date of mailing.

Current Rule

Rule 2. Stay of Judgment or Order Pending Appeal. (1) When a criminal defendant files a notice of appeal, any order or judgment resulting in:

(a) imprisonment;

(b) payment of a fine or restitution; or

(c) probation shall be stayed by the trial court pending the posting of reasonable bond as ordered by the Court of Appeals.

(2) The filing of a notice of appeal by the Tribal prosecutor in a criminal case does not stay any order or judgment of the trial court pending decision of the Court of Appeals.

(3) In a civil matter, upon the filing of a notice of appeal, a party may apply to the Chief Justice ex parte for a stay of execution of the judgment or order. The Chief Justice may grant said stay for such period of time and under such conditions as the Chief Justice deems proper, including restraining a party from disposing of, encumbering, or concealing property. The Chief Justice may also order the applicant to provide to the court a surety bond, conditioned for the satisfaction of the judgment or order in full together with costs, interest, and damages for delay, if the appeal is dismissed or if the judgment is affirmed.

(4) In an action involving the suspension or termination of parental rights brought under Title III, Chapter 2, of this Code, an appeal of a court order or decree does not stay the order or decree appealed from and does not divest the presiding Tribal Court judge of jurisdiction to take steps that are necessary in the best interests of the child and in order to protect the health and safety of the child. The appellate court may order a stay upon application and hearing if suitable provision is made for the care and custody of the child. If the appeal results in the reversal of the order appealed, the legal status of the child reverts to the child's legal status before the entry of the order that was appealed. The child's prior legal status remains in effect until further order of the Tribal court unless the appellate court orders otherwise. (Rev. 9-6-07)

Proposed Change (changes in RED)

Rule 2. Stay of Judgment or Order Pending Appeal. (1) When a criminal defendant files a notice of appeal, any order or judgment resulting in:

(a) imprisonment;

(b) payment of a fine or restitution; or

(c) probation shall be stayed by the trial court pending the posting of reasonable bond as ordered by the Court of Appeals. **Absent**

exceptional circumstances, the Court of Appeals shall allow any bond posted in the tribal court to remain in place pending appeal.

(2) The filing of a notice of appeal by the Tribal prosecutor in a criminal case does not stay any order or judgment of the trial court pending decision of the Court of Appeals.

(3) In a civil matter, upon the filing of a notice of appeal, a party may apply to the Chief Justice ex parte for a stay of execution of the judgment or order. The Chief Justice may grant said stay for such period of time and under such conditions as the Chief Justice deems proper, including restraining a party from disposing of, encumbering, or concealing property. The Chief Justice may also order the applicant to provide to the court a surety bond, conditioned for the satisfaction of the judgment or order in full together with costs, interest, and damages for delay, if the appeal is dismissed or if the judgment is affirmed.

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Current Rule

Rule 3. Record on Appeal. (1) The original papers and exhibits filed in the Tribal Court, any transcript of the proceedings, and a certified copy of the minute entries prepared by the Clerk of Court shall constitute the record on appeal in all cases.

(2) Within 5 days after filing the notice of appeal, the appellant shall order from the court reporter a transcript of such parts of the proceedings not already on file as the appellant deems necessary for inclusion in the record. The transcript shall be filed and certified with the Clerk of the Tribal Court as part of the record on appeal within 20 days of the filing of the notice of appeal. In all cases where the appellant intends to urge insufficiency of evidence to support the order or judgment appealed from, it shall be the duty of the appellant to order the entire transcript of the evidence and proceedings. Whenever the appellant appeals a specific finding of fact by the trial court on the ground of insufficiency of evidence, the appellant shall be under a duty to include in the transcript all evidence relevant to such finding. Unless the entire transcript is to be provided, the appellant shall, within the 5-day period, file and serve on the respondent a description of the parts of the transcript which he or she intends to present on appeal. If the respondent deems a transcript of other parts of the proceedings to be necessary he shall, within 5 days after such filing and service, order such parts from the reporter or procure an order from the Chief Justice requiring the appellant to do so. The cost of producing the transcript shall be borne by the appellant unless the Chief Justice waives the transcript cost by granting leave to proceed in forma pauperis or for other good cause shown. In the event of such a waiver, the Tribal Court shall provide the transcript. Costs of a transcript are among the costs of appeal that may be awarded by the Court of Appeals to a prevailing party as provided in Rule 21, and if a prevailing appellant's costs have been waived by the Chief Justice, the award will be applied to the transcript costs borne by the Tribal Court.

(3) If no record of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, the appellant may, within 10 days of the hearing or trial or such time extended as the Chief Justice may allow, prepare a statement of the evidence or proceedings from the best available means, including his or her recollection. The statement shall be served on the respondent, who may serve objections or propose amendments thereto within 10 days after service. Thereupon, the statement and any objections or proposed amendments shall be submitted for settlement and approval to the trial judge, and as settled and approved shall be included by the Clerk of the Court in the record on appeal.

Proposed Change (changes in RED)

Rule 3. Record on Appeal. (1) **All** original papers and exhibits filed in the Tribal Court, any transcript of the proceedings, and a certified copy of the minute entries prepared by the Clerk of Court shall constitute the record on appeal in all cases.

(2) Within 5 days after filing the notice of appeal, the appellant shall order from the court reporter a transcript of such parts of the proceedings not already on file as the appellant deems necessary for inclusion in the record. The transcript shall be filed and certified with the Clerk of the Tribal Court as part of the record on appeal within 20 days of the filing of the notice of appeal. In all cases where the appellant intends to urge insufficiency of evidence to support the order or judgment appealed from, it shall be the duty of the appellant to order the entire transcript of the evidence and proceedings. Whenever the appellant appeals a specific finding of fact by the trial court on the ground of insufficiency of evidence, the appellant shall be under a duty to include in the transcript all evidence relevant to such finding. Unless the entire transcript is to be provided, the appellant shall, within the 5-day period, file and serve on the respondent a description of the parts of the transcript which he or she intends to present on appeal. If the respondent deems a transcript of other parts of the proceedings to be necessary he shall, within 5 days after such filing and service, order such

parts from the reporter or procure an order from the Chief Justice requiring the appellant to do so. The cost of producing the transcript shall be borne by the appellant unless the Chief Justice waives the transcript cost by granting leave to proceed in forma pauperis or for other good cause shown. In the event of such a waiver, the Tribal Court shall provide the transcript. Costs of a transcript are among the costs of appeal that may be awarded by the Court of Appeals to a prevailing party as provided in Rule 21, and if a prevailing appellant's costs have been waived by the Chief Justice, the award will be applied to the transcript costs borne by the Tribal Court.

(3) If no record of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, the appellant may, within 10 days of the hearing or trial or such time extended as the Chief Justice may allow, prepare a statement of the evidence or proceedings from the best available means, including his or her recollection. The statement shall be served on the respondent, who may serve objections or propose amendments thereto within 10 days after service. Thereupon, the statement and any objections or proposed amendments shall be submitted for settlement and approval to the trial judge, and as settled and approved shall be included by the Clerk of the Court in the record on appeal. **The trial judge has 30 days to make a ruling for settlement and approval.**

Current Rule

Rule 5. Docketing the Appeal and Filing the Record. (1) At the time of filing the notice of appeal, the appellant shall pay to the Clerk of the Tribal Court a fee of \$25 for filing and transmitting the record on appeal, unless the fee is waived by the Chief Justice upon the granting of leave to proceed in forma pauperis or for other good cause shown. Failure to pay the filing fee, unless waived, is ground for dismissal of the appeal.

(2) On the date on which the record on appeal is transmitted to the Court of Appeals, the Appellate Administrator will docket the appeal and file the record in a repository. An appeal shall be docketed and filed under the title given to the action in the trial court with such addition as necessary to indicate the identity of the appellant. The Appellate Administrator shall immediately give notice to all parties of the date on which the record was filed and the appeal docketed.

Proposed Change (changes in RED)

Rule 5. Docketing the Appeal and Filing the Record. (1) At the time of filing the notice of appeal, the appellant shall pay to the Clerk of the Tribal Court a fee of \$25 for filing and transmitting the record on appeal, unless the fee is waived by the Chief Justice upon the granting of leave to proceed in forma pauperis or for other good cause shown. Failure to pay the filing fee, unless waived, is ground for dismissal of the appeal.

(2) On the date on which the record on appeal is transmitted to the Court of Appeals, the Appellate Administrator will docket the appeal and file the record in a repository. An appeal shall be docketed and filed under the title given to the action in the trial court with such addition as necessary to indicate the identity of the appellant. The Appellate Administrator shall immediately give notice to all parties of the date on which the record was filed and the appeal docketed.

(3) The Appellate Court shall establish filing fees for filing appeals according to a publicly available schedule.

(4) As funding becomes available, the Appellate Court shall create a publicly available electronic docket. The materials available to the public shall include all filings except materials deemed confidential under Rule 5.1, and not including the tribal court record. Requests for tribal court records are appropriately directed to the tribal court. Appendices to briefs are also to be excluded from the public docket and are therefore not subject to redaction under Rule 5.1.

 *New Rule*

Rule 5.1: Confidentiality, redaction of confidential personal information, and filing under seal.

(a) Confidential personal information includes complete social security numbers, complete financial account and taxpayer identification numbers, full birth dates of any person, and information that is not to be accessible to the public pursuant to tribal or federal law. The names of minor children shall be redacted from any proceedings, except the names of youth in proceedings open to the public under CSKT Laws Codified §3-3-304.

(b) Confidential personal information shall be redacted from documents filed with the Appellate Court Administrator by the party who files the document. The original document without redaction of confidential personal information shall be filed with the Appellate Court Administrator and remain under seal absent a request to obtain access granted by order of this court.

(c) Exemptions from the redaction requirement. The redaction requirement does not apply to the following:

(i) a financial account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;

(ii) the record of an administrative or agency proceeding;

(d) the record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed; and (iv) a filing made under seal.

(e) Filings made under seal. The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(f) Protective orders. For good cause, the court may by order in a case:

(i) require redaction of additional information;

(ii) limit or prohibit a nonparty's remote electronic access to a document filed with the court; or

(g) Option for filing a reference list. A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.

(h) Appendices. Because copies of documents included in appendices to briefs are not published and are solely for the Appellate Court's use, confidential personal information appearing in appendices need not be redacted.

(i) Non-conforming documents.

(i) Waiver. A person waives the protection of this rule as to the person's own information by filing it without redaction and not under seal.

(ii) Sanctions. If a party fails to comply with this rule, the court on motion of another party or its own motion, may order the pleading or other document to be reformed. If the order is not obeyed, the court may order the document stricken.

Current Rule

Rule 12. Filing and Service. (1) Papers required or permitted to be filed with the Court of Appeals must be placed in the custody of the Appellate Administrator within the time fixed for filing. The Administrator shall note upon each such paper or document the time of filing and transmit the same to the Justices and any substitute judge designated to hear the matter.

(2) Copies of all papers filed by any party shall, at or before the time of filing, be served by the party or a person acting for him or her on all other parties to the appeal. Service on a party represented by counsel shall be made on counsel. Service may be personal or by mail. Personal service includes delivery of the copy to a clerk or other responsible person at the office of counsel. Service by mail is complete on mailing. Papers presented for filing shall contain a certification of service in the form of a statement of the date and manner of service and of the names of the persons served, certified by the person who made service.

(3) Except as otherwise provided in these rules, a signed original and three copies of all papers shall be filed with the Appellate Administrator.

Proposed Change (changes in RED)

Rule 12. Filing and Service. (1) Papers required or permitted to be filed with the Court of Appeals must be placed in the custody of the Appellate Administrator within the time fixed for filing. The Administrator shall note upon each such paper or document the time of filing and transmit the same to the Justices and any substitute judge designated to hear the matter.

(2) Copies of all papers filed by any party shall, at or before the time of filing, be served by the party or a person acting for him or her on all other parties to the appeal. Service on a party represented by counsel shall be made on counsel. Service may be personal or by mail. Personal service includes delivery of the copy to a clerk or other responsible person at the office of counsel. Service by mail is complete on mailing. Papers presented for filing shall contain a certification of service in the form of a statement of the date and manner of service and of the names of the persons served, certified by the person who made service.

(3) Except as otherwise provided in these rules, a signed original ~~and three copies~~ of all papers shall be filed with the Appellate

Administrator. **As funding becomes available, the Court of Appeals shall establish a system for electronic filing. Once the system is implemented, all filings shall be done electronically, except by pro se individuals. If the electronic filing system is unavailable, filings may be made by alternative means authorized by the Court or the Appellate Administrator.**

(4) Before filing, all documents shall be reviewed by the filer for truthfulness and accuracy. In addition to any other required certification, all documents shall include the following certification about truthfulness, accuracy, and the use of generative artificial intelligence which means any system of algorithms or computer processes that can create original materials in response to a query by the user. Some current versions of generative artificial intelligence include Chat GPT, Grok, Open AI, Anthropic, and Deep Mind.

Under penalty of perjury, I swear or affirm that I have reviewed the attached document to ensure their truthfulness and for accuracy, and in addition:

(Check appropriate box)

- No generative artificial intelligence was used in the creation of this document**
- Generative artificial intelligence was used in the creation of this document, but all references have been personally reviewed by the filer to ensure that they are truthful and accurate.**

Dated the _____ day of _____, _____.

(Signature of filer)

Current Rule

Rule 13. Motions. Unless another form is prescribed by these rules, an application for an order or other relief shall be made by filing a motion in writing for such order or relief. The motion shall state with particularity the grounds therefore and shall set forth the order or relief sought. Counsel shall also note therein that opposing counsel has been contacted concerning the motion and whether opposing counsel objects to the motion. If a motion is supported by briefs, affidavits or other papers, they shall be served and filed with the motion. The Court of Appeals may authorize disposition of motions by a single justice. If a motion seeks dismissal of the appeal or other substantial relief, any party may file an answer in opposition within 7 days after service of the motion, or within such time as the Court may direct.

Proposed Change (changes in RED)

Rule 13. Motions. Unless another form is prescribed by these rules, an application for an order or other relief shall be made by filing a motion in writing for such order or relief. The motion shall state with particularity the grounds therefore and shall set forth the order or relief sought. Counsel shall also note therein that opposing counsel has been contacted concerning the motion and whether the opposing counsel objects to the motion. **The failure to serve the opposing counsel or self-represented party, and to provide a certificate of such service, is grounds to deny the motion.** If a motion is supported by briefs, affidavits or other papers, they shall be served and filed with the motion. The Court of Appeals may authorize disposition of motions by a single justice. If a motion seeks dismissal of the appeal or other substantial relief, **the party against whom the motion is filed must** file an answer in opposition within **14** days after service of the motion, or within such time as the Court may direct. **The Court of Appeals has 20 days to rule on motions after motions have been fully briefed.**

 **New Rule**

Rule 15.1

- (1) **If the Court, on its own motion, identifies an issue that requires additional briefing, the Court may order simultaneous briefs on the issue by the parties.**
- (2) **The Court has authority, in its sole discretion, to allow additional time for parties to comply with the requirements of the Rule 15 briefing schedule.**

Current Rule

Rule 16. Oral Arguments.

1) Except in the case of an extraordinary writ or other special or emergency proceeding when the Chief Justice may schedule a special session of the Court, the Chief Justice will set the time and place at which oral argument will be heard during the next regular convening of the appellate bench after the time for filing and service of appellant's reply brief has expired. The Appellate Administrator shall advise all parties of the time and place of hearing. Any request for postponement of the hearing must be made by motion to the chief Justice no later than 10 days prior to the time scheduled for hearing and may be granted for good cause shown.

(2) At oral argument, 45 minutes will be allowed appellant and 35 minutes to respondent. Arguments of multiple parties or amici curiae for appellant or respondent shall be allocated by the parties to conform to these limits. A party is not obliged to use all of the time allowed, and the court may terminate the argument whenever in its judgment further argument is unnecessary.

(3) The appellant is entitled to open and conclude the argument. The opening argument shall include a fair statement of the case,

and the closing argument shall be limited to rebuttal of respondent's argument.

(4) If counsel for a party fails to appear, the court may hear arguments on behalf of a party whose counsel is present, and the case will be decided on the briefs and the argument heard. If no counsel appears for any party, the case will be decided on the briefs.

(5) By agreement of the parties, a case may be submitted for decision on the briefs.

Proposed Change (changes in RED)

Rule 16. Oral Arguments. (1) By agreement of the parties, a case may be submitted for decision on the briefs. **The Court may also choose to classify a case for decision on the briefs without oral argument. Any single justice assigned to a case may require the case be set for oral argument. The decision to classify a case for decision on the briefs will be made by a written order to be filed in the case.**

(2) In cases in which argument is ordered, and except in the case of an extraordinary writ or other special or emergency proceeding when the Chief Justice may schedule a special session of the Court, the Chief Justice will set the time and place at which oral argument will be heard during the next regular convening of the appellate bench after the time for filing and service of appellant's reply brief has expired. The Appellate Administrator shall advise all parties of the time and place of hearing. Any request for postponement of the hearing must be made by motion to the chief Justice no later than 10 days prior to the time scheduled for hearing and may be granted for good cause shown.

(3) At oral argument, 45 minutes will be allowed appellant and 35 minutes to respondent. Arguments of multiple parties or amici curiae for appellant or respondent shall be allocated by the parties to conform to these limits. A party is not obliged to use all of the time allowed, and the court may terminate the argument whenever in its judgment further argument is unnecessary.

(4) The appellant is entitled to open and conclude the argument. The opening argument shall include a fair statement of the case, and the closing argument shall be limited to rebuttal of respondent's argument.

(5) If counsel for a party fails to appear, the court may hear arguments on behalf of a party whose counsel is present, and the case will be decided on the briefs and the argument heard. If no counsel appears for any party, the case will be decided on the briefs.

(6) A transcript of any oral argument may be prepared for the convenience of the Court, but is not part of the official record of the case.

Current Rule

Rule 21. Petitions for Rehearing en Banc. (1) Except as otherwise provided in this rule, a petition for rehearing before all five Justices may be filed within 10 days after the appellate decision has been rendered by filing an original and five copies of the petition with the Appellate Administrator. The adverse party will have 7 days thereafter in which to serve and file an original and five copies of any objections to rehearing en banc.

(2) No rehearing is allowed for an original proceeding where the entire Court considered the application and participated in the issuance of the order, judgment, or writ.

(3) A petition for rehearing en banc may be presented on the following grounds and no others:

(a) that some fact, material to the decision, or some question decisive of the case submitted by counsel, was overlooked by the Court;

(b) that the decision is in conflict with an express statute or controlling decision; or

(c) that the Court employed inappropriate procedures or considered facts outside the record on appeal.

(4) Within 15 days after receipt of the petition and any objections and upon consultation with his or her colleagues, the Chief Justice may grant or deny the petition for rehearing en banc. If granted, the parties shall submit briefs as provided in Rule 17 on the issues permitted to be raised and the matter will be scheduled for argument unless the parties agree that the matter will be decided on briefs.

Proposed Change (changes in RED)

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(2) No rehearing is allowed for an original proceeding where the entire Court considered the application and participated in the issuance of the order, judgment, or writ.

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 **New Rule**

Rule 23. Emergency Rules

In the event of an emergency recognized by the Tribal Council, the Court has authority to implement such rules as it deems necessary for the duration of the emergency.