

## **APPELLATE CHECKLIST**

This checklist is not intended to replace or to be a substitute for the Oneida Rules of Appellate Procedure and Rules of Civil Procedure, and should be used in conjunction with the Rules. Anyone considering initiating an appeal may wish to seek legal counsel.

□ **Notice of Appeal:**

- File with Clerk of Appellate Court within **30 calendar days** after judgment or order from which appeal is taken has been rendered (original and three copies). [154.5-2(a)]

Note: Other parties may file a notice of cross-appeal with Clerk of Appellate Court within time established for filing of Notice of Appeal or **10 business days** after receipt of the initial Notice of Appeal, whichever is later. [154.7-2]

- Attach copy of the written judgment or order from which appeal is taken. [154.5-2(b)]
- Include all required information. [154.5-2]
- Pay \$75.00 filing fee or submit motion for fee waiver based on inability to pay. [154.5-2(a)]
- Determine whether to seek stay of trial court's judgment or order. [154.5-1(a)]
- **Serve on all parties within same time period. [154.8-3]**

□ **Cash deposit or bond (shall accompany Notice of Appeal):**

- Post cash deposit or bond in an amount equal to the amount of any judgment, plus costs assessed by the Trial Court, or motion for waiver of requirement. [154.5-2(c)]

Note: The motion for waiver of the deposit/bond requirement must be served on the other parties along with the Notice of Appeal. [154.5-2(c)]

- The Tribe, or an officer or agency of the Tribe shall be exempt from the requirement of providing any cash deposit or bond. [154.5-2(c)(1)]

□ **Petition for Permission to Appeal:**

- File with Clerk of Appellate Court within **10 business days** after the entry of an interlocutory order (original and three copies). [154.6-1]
- Include all required information. [154.6-1]
- Attach copy of the written order from which appeal is taken. [154.6-1(f)]
- Serve on all parties within same time period. [154.6-1; 154.8-3]

□ **Appellant's Brief:**

- File with Clerk of Appellate Court within **20 calendar days** after acceptance of the Certification of the Record. (original and three copies). [154.11-1(d)]
- Serve on all parties within same time period. [154.11-1(c); 154.8-3]
- Follow form and length requirements. [154.11-1(a)-(b)]
- Include all required sections of the brief. [154.11-2(a)]

□ **Respondent's Brief:**

- File with Clerk of Appellate Court within **20 calendar days** of receipt of Appellant's brief (original and three copies). [154.11-1(d)]
- Serve on all parties within same time period. [154.11-1(c); 154.8-3]
- Follow form and length requirements. [154.11-1(a)-(b)]
- Include all required sections of the brief. [154.11-2(a)]
  - Address each issue and argument presented by the Appellant's brief. [154.11-3(a)]
  - Respondent's brief may present additional issues, with the Respondent's positions and arguments on such issues. [154.11-3(b)]

□ **Reply Brief:**

- If necessary, file with Clerk of Appellate Court within **14 calendar days** of receipt of Respondent's brief (original and three copies). [154.11-1(d)]
- Serve on all parties within same time period. [154.11-1(c); 154.8-3]
- Follow form and length requirements. [154.11-1(a); 154.11-4]
- Include all required sections of the brief. [154.11-2(a); 154.11-4]
  - Limited to rebuttal of arguments set out in Respondent's brief. [154.3-1(s)]

□ **Oral Argument (only if ordered by Court):**

- A motion to postpone the argument or to extend the argument timeframe shall be filed at least **5 business days** before the hearing date. [154.12-2]

Note: Parties may not cite or discuss a case at an oral argument unless the case has been cited in one of the briefs. [154.12-3]

□ **Recovery of Costs:**

- A party seeking to recover costs in the Court shall file a statement of the costs within **14 calendar days** of the filing of the decision of the Court. [154.17-3]
- An opposing party may file, within **11 calendar days** after service of the statement, a motion objecting to the statement of costs. [154.17-3]