

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS  
TRIBAL CODE OF LAW**

**CHAPTER 85-APPELLATE COURT CODE**

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**HISTORY NOTE:**

Resolution No. 73(26) adopted on March 12, 2026 approves Ordinance.

**SUBCHAPTER 85.1 – INTRODUCTION**

**§ 85.101      Title**

This code shall be known as the Appellate Court Code of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

**§ 85.102      Authority**

This ordinance is enacted pursuant to the inherent sovereign authority of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Article VI and Article X of the LDF Constitution, and applicable federal law.

**§ 85.103      Purpose**

The purpose of this ordinance is to establish the Appellate Court, provide for the orderly review of decisions of the Tribal Court, protect the rights of all persons subject to tribal jurisdiction, and preserve tribal sovereignty and self-government.

**§ 85.104      Effective Date**

This ordinance shall become effective upon enactment by the Tribal Council and completion of any required approval processes.

**§ 85.105      Interpretation**

The provisions of this ordinance shall be interpreted to secure a just, speedy, and inexpensive determination of every appeal and to be consistent with the LDF Constitution.

**§ 85.106      Severability**

If any section, provision, or portion of this ordinance is adjudged invalid, the remainder shall not be affected thereby.

**§ 85.107      Repeal of Inconsistent Tribal Ordinances**

All ordinances and resolutions inconsistent with this ordinance are hereby repealed.

**SUBCHAPTER 85.2 – DEFINITIONS**

**§ 85.201      General Definitions**

Unless otherwise indicated, terms used in this ordinance shall have the following meanings:

1. "Appellate Court" means the Lac du Flambeau Appellate Court established by this ordinance.
2. "Tribal Court" means the trial court of the Lac du Flambeau Band of Lake Superior Chippewa Indians.
3. "Tribal Council" means the governing body of the Tribe as defined in Article III of the LDF Constitution.
4. "Judge" means a duly appointed judge of the Appellate Court.
5. "Party" means any person or entity entitled to participate in an appeal.
6. "Clerk" means the Clerk of the Appellate Court.
7. "Indigent" means a person who is unable to pay fees or costs as determined by the Appellate Court.

**SUBCHAPTER 85.3 – ESTABLISHMENT AND JURISDICTION OF THE APPELLATE COURT**

**§ 85.301      Establishment of the Appellate Court**

There is hereby established the Lac du Flambeau Appellate Court as the court of appellate jurisdiction for the Tribe.

**§ 85.302      Jurisdiction of the Appellate Court**

1. The Appellate Court shall have jurisdiction to review final judgments, orders, and decisions of the Tribal Court, and such interlocutory orders as the Appellate Court may permit.
2. The Appellate Court's jurisdiction is limited to matters arising under tribal law, including civil, criminal (as permitted by federal law), administrative, and family matters, except as otherwise provided by the LDF Constitution or statute.

**§ 85.303      Scope of Review**

The Appellate Court may affirm, reverse, modify, remand, or vacate decisions of the Tribal Court as provided in this ordinance.

**§ 85.304      Law Applicable to Appeals**

The Appellate Court shall apply the LDF Constitution, tribal ordinances, and, where appropriate, applicable federal law.

**SUBCHAPTER 85.4 – JUDGES OF THE APPELLATE COURT**

**§ 85.401      Number and Composition**

The Appellate Court shall consist of three (3) Judges, or such number as set by tribal ordinance. One Judge shall be designated Chief Judge by the Tribal Council upon

nomination or advice of the Judiciary Committee.

**§ 85.402      Qualifications**

No person shall be eligible for selection as a Judge unless he or she:

1. Is at least thirty (30) years of age;
2. Is of good moral character and integrity;
3. Has never been convicted of a felony or any crime involving dishonesty or moral turpitude;
4. Is capable of preparing opinions and conducting hearings incident to the office of Judge;
5. Has demonstrated knowledge of the LDF Tribal Code and an understanding of federal and state laws;
6. Approved by the Tribal Council.
7. Preferred Qualifications:
  - a. Is an enrolled member of a federally recognized Tribe (preference for LDF Band), or meets residency/other requirements as set by Tribal law;
  - b. Possesses a law degree (J.D.) from an accredited law school and is admitted to practice in at least one U.S. state or tribal bar, or
  - c. has equivalent tribal legal experience as defined by ordinance or

**§ 85.403      Appointment and Term**

1. Judges shall be appointed by the Tribal Council upon recommendation of the Judiciary Committee.
2. Each Judge shall hold office for a period of three (3) years unless sooner removed for cause, resignation, death, or incapacity. Judges are eligible for reappointment.
3. Vacancies shall be filled for the unexpired term in the same manner as original appointment.

**§ 85.404      Disqualification, Recusal, and Removal**

1. A Judge shall be disqualified from any case in which he or she has any direct interest, has been a witness, or is so related to a party as to render it improper to preside.
2. A Judge shall recuse himself or herself from any case where impartiality might reasonably be questioned.
3. Judges may be removed for cause (including misconduct, incapacity, neglect of duty, or incompetence) by the Tribal Council after a hearing as provided by ordinance. Emergency suspension may be ordered pending a removal hearing.

**§ 85.405      Judicial Conduct and Discipline**

The Appellate Court shall adopt rules for judicial discipline and a code of judicial conduct consistent with tribal law.

**§ 85.406      Compensation**

Judges shall receive such compensation as established by the Tribal Council.

**SUBCHAPTER 85.5 – CLERK OF THE APPELLATE COURT**

**§ 85.501      Appointment**

The Appellate Court shall appoint a Clerk, and may appoint such deputy or assistant Clerks as necessary.

**§ 85.502      Duties**

The Clerk shall maintain records, receive filings, docket appeals, serve notices, and manage administrative functions of the Appellate Court. The Clerk shall maintain a public docket and securely store case files, transcripts, and records.

**SUBCHAPTER 85.6 – APPELLATE PROCEDURE**

**§ 85.601      Initiating an Appeal**

1. Appeals as of right may be taken from final judgments of the Tribal Court in civil matters and in criminal matters as authorized by tribal and federal law.
2. The Notice of Appeal must be filed with the Clerk of the Tribal Court and served on all parties within thirty (30) days after entry of the final judgment or order, unless a different period is set by statute or rule.
3. The Appellate Court may, in its discretion, grant review of interlocutory orders or other matters upon petition.

**§ 85.602      Record on Appeal**

1. The record on appeal shall consist of the original papers and exhibits, a transcript of proceedings (if requested and ordered), and any other items designated by the parties or required by rule.
2. The appellant must order and pay for transcripts unless indigent, in which case the Appellate Court may order preparation at public expense as allowed by law.

**§ 85.603      Briefing**

1. The appellant shall file an opening brief within thirty (30) days after designation of the record.
2. Responsive briefs are due within thirty (30) days after service of the opening brief.

3. An optional reply brief may be filed within fourteen (14) days.
4. Briefs must comply with form, length, and content requirements set by the Appellate Court's rules.

**§ 85.604      Oral Argument**

1. Oral argument may be scheduled at the court's discretion or upon timely request by a party.
2. The court shall provide for time limits and procedures for oral argument, with accommodations for pro se litigants, interpreters, or elders as needed.

**§ 85.605      Decisions and Opinions**

1. The Appellate Court shall issue written opinions for decisions that set precedent; it may issue unpublished orders where appropriate.
2. Opinions must state the facts, issues, applicable law, reasoning, and disposition. Concurring and dissenting opinions may be filed.

**§ 85.606      Standards of Review**

Unless otherwise provided by law, the following standards apply:

1. Questions of law: de novo review;
2. Findings of fact: clearly erroneous standard;
3. Mixed questions: as appropriate to the issue;
4. Discretionary decisions: abuse of discretion.

**§ 85.607      Relief and Remedies**

The Appellate Court may affirm, reverse, remand, vacate, or modify the judgment or order under review, and may award costs and such relief as justice requires.

**§ 85.608      Effect of Appeal on Judgment**

The filing of an appeal does not automatically stay enforcement of the judgment of the Tribal Court, unless the Tribal Court or Appellate Court orders a stay pending appeal.

**SUBCHAPTER 85.7 – RIGHTS OF PARTIES AND COUNSEL**

**§ 85.701      Right to Counsel**

A party has the right to be represented by counsel or lay advocate at their own expense. In criminal appeals, if a defendant is indigent, the Appellate Court shall appoint counsel as provided by tribal law.

**§ 85.702      Pro Se Representation**

Pro se litigants are permitted to appear on their own behalf in any appellate action.

**§ 85.703      Appointment of Counsel**

The Appellate Court shall establish standards and procedures for appointment of appellate counsel for indigent defendants.

**SUBCHAPTER 85.8 – FEES, COSTS, AND ACCESS**

**§ 85.801      Fees and Costs**

The Appellate Court may establish reasonable filing fees and costs by ordinance, which may be waived or reduced for indigent parties.

**§ 85.802      Waiver for Indigency**

The Appellate Court may waive or reduce fees and costs for indigent parties as allowed by law.

**§ 85.803      Access and Assistance**

1. The Appellate Court shall make forms, instructions, and summaries of appellate procedure available to the public and self-represented litigants.
2. Interpreters, accommodations for elders, cultural considerations, and assistance programs shall be provided as appropriate.

**SUBCHAPTER 85.9 – PUBLICATION, PRECEDENT, AND CONFIDENTIALITY**

**§ 85.901      Publication and Precedent**

1. Published Appellate Court opinions are binding precedent on the Tribal Court and administrative bodies unless overruled by the Appellate Court or Tribal Council consistent with constitutional separation of powers.
2. The Appellate Court may designate opinions as unpublished if they do not establish precedent.

**§ 85.902      Confidentiality**

1. The Appellate Court shall protect sensitive information (e.g., juvenile, adoption, certain family matters) consistent with tribal law and rules.
2. Public access to filings may be restricted for confidential matters; redaction rules shall be adopted.

## **SUBCHAPTER 85.10 – MISCELLANEOUS PROVISIONS**

### **§ 85.1001      Transitional Provisions**

1. Existing appeals pending at the time of enactment of this ordinance shall proceed under transitional rules adopted by the Appellate Court.
2. Judges first appointed under this ordinance may serve a shorter or longer initial term to achieve staggered expirations, as specified by ordinance.

### **§ 85.1002      Sovereignty and Intergovernmental Relations**

1. This ordinance respects tribal sovereignty and does not waive any sovereign immunities except as expressly provided by tribal law.
2. Coordination with federal and state courts shall be conducted consistent with law and intergovernmental agreements.

### **§ 85.1003      Severability**

If any provision of this ordinance is held invalid, the remainder shall continue in effect.

### **§ 85.1004      Effective Date**

This ordinance shall become effective on [insert date], upon enactment by the Tribal Council and completion of any required approval processes.