

SAINT REGIS MOHAWK TRIBAL APPELLATE COURT

ADMINISTRATIVE ORDER OF THE COURT – AUDIO RECORDING PERMITTED IN LIEU OF TRANSCRIPT; COURT TO PROVIDE IN LIEU OF PARTIES

Jurisdiction

The SRMT Tribal Appellate Court applies SRMT Tribal Court and Judiciary Code (hereinafter SRMT TCJC) permits this Court to hear all appeals from the trial court.

Applicable Law

The Court applies SRMT TCJC and SRMT Rules of Civil Appellate Procedure (hereinafter SRMT Rules Civ.App.Proc.).

The SRMT TCJC Rule VI(1) permits this Court to interpret, construe and apply the laws and regulations of the Tribe.

SRMT TCJC Section VI(1) grants this court the power to interpret, construe and apply the laws and regulations of the Tribe.

SRMT Rules Civ.App.Proc. Section IV permits suspension of the court's rules. "Except as provided in Section 6, Rule 4(b)¹, the Appellate Court may, upon motion for good cause shown, suspend the requirements or provision of any of these Rules in a particular case, and may order proceedings accordingly within its discretion. These Rules shall be liberally construed in the furtherance of justice." The transcript on appeal is addressed under Section X, [Rule 8], Sections A, B, C and D, generally.

Analysis

Courts exist to ensure that citizens of a community have access to justice. The Courts should operate with a goal of serving the interests of justice and not creating barriers to access to justice. This Court exists to also ensure those principles are met while ensuring the sovereignty of the SRMT is protected and exercised within its own jurisdiction.

Transcripts are not routinely created during hearings in the trial court, if ever. It is the practice of the SRMT Tribal Court that audio recordings are routinely made, in lieu of transcripts made by a court reporter, for all trial matters and hearings. The SRMT Rules Civ.App.Proc. require appellant to obtain a transcript, but multiple exceptions apply to the requirement of a transcript on appeal, as described in the applicable Rule's subsections. In addition, the requirement for self-represented, and often indigent Appellants, to obtain a transcript has more often than not appeared to now have become a bar to access to this Court to have their appeals heard. Therefore, this Court interprets Section X, Rule 8, Sections C. and D, pursuant to SRMT Rules Civ.App.Proc. Section IV to not require Appellants to seek transcripts, but instead have the recording of the hearing or hearings appealed to be transmitted with the record on appeal to this court.

ORDER

It is hereby ORDERED that, for the reasons stated herein, from this point forward, transcripts may be provided by Appellants pursuant to Section X, Rule 8 of the SRMT Rules of Civ.App.Proc., however, failure to provide a transcript, or request a recording shall not bar perfecting the appeal. Instead, this court will accept a recording of the

¹ There is no such section or rule.

hearing or hearings for the order appealed, which shall be henceforth sent directly from the clerk to the appellate court, and shall be included in the record on appeal.

Signed by my hand this 17 day of July, 2019.

Michele M. Mitchell

Michele Mitchell, Chief Appellate Judge
Saint Regis Mohawk Tribal Appellate Court