

**RULES OF PROCEDURE FOR APPEALING SMALL CLAIMS FINAL DECISIONS
FOR THE STATE COURT OF YAP¹**

Rule 1. Scope of Rules

These rules are intended to be simple and to govern procedures in appeals to the Appellate Division of the State Court from the Small Claims Section.

Rule 2. Trial Judge; Legal Representation

One justice shall hear an appeal from a final decision of a small claim. No justice may hear or decide an appeal of a case heard by him in the Trial Division. Legal representation of parties in an appeal shall be optional.

Rule 3. Parties; Standard of Review

The party requesting the appeal of a final decision of a small claim shall be the appellant. The party responding to appellant's request to appeal shall be the appellee. The appellant shall have the burden of persuasion on appeal. The standard of review on appeal is whether the final decision is supported by sufficient evidence in the record.

Rule 4. Notice of Appeal; Statements; Notices

An appeal from a final decision of a small claim shall be effected by (1) appellant informing the Clerk of the Trial Division and (2) appellant filing three (3) copies of a statement of appeal with the Clerk of the Trial Division within ten (10) calendar days from the date of entry of the final decision. The statement of appeal shall identify the points which were improperly considered by the judge or why the judge's decision was wrong, and providing reasons under law, evidence, or custom and tradition which support the contention that the decision was wrong. Newly discovered evidence shall not be included in the statement of appeal. Upon being informed by a party in a small claim of the intent to appeal, the Clerk of the Trial Division shall immediately inform the appellee of appellant's intent to appeal and shall inform the Chief Justice of the State Court for the purpose of assigning the justice to hear the particular appeal. The Clerk of the Trial Division shall note the intent to appeal on the docket sheet. Further, upon receiving the statement, the Clerk of the Trial Division shall provide the justice hearing the appeal a copy of the statement and shall serve a copy on appellee.

Rule 5. Stay Pending Appeal; Security

The giving of a notice of appeal to the Clerk of the Trial Division shall stay the execution of or proceedings to enforce a final decision pending the appeal. A judge whose decision is being appealed may require an appellant to provide security in such reasonable form and amount necessary to ensure payment of costs on appeal.

Rule 6. Record in Appeal

The tape recording of the small claim proceedings and admitted exhibits shall become the record on appeal. The Clerk of the Trial Division shall make the tapes of the proceedings accessible to the parties at the courthouse.

Rule 7. Counter Statements; Notices; Hearing Schedules

Within ten (10) calendar days of receiving appellant's statement of appeal from the Clerk of the Trial Division, appellee may file three (3) copies of a counter statement with the Clerk of the Trial Division. The counter statement shall respond to appellant's statement of appeal and explain why the judge's decision was correct. Newly discovered evidence shall not be included in the counter statement. In the event that appellee will not be filing a counter statement, appellee shall so inform the Clerk of the Trial Division. Upon receiving the counter statement, the Clerk of the Trial Division shall provide the justice hearing the appeal a copy of the counter statement and shall serve a copy on appellant. The Clerk shall schedule the appeal for hearing within ten (10) days of the filing of the counter statement. When appellee has informed the Clerk of the Trial Division that no counter statement will be filed, the Clerk of the Trial Division shall inform the justice hearing the appeal and shall also inform the appellant, and prepare to schedule the appeal for hearing within ten (10) days from when the counter statement is due.

Rule 8. Mandatory Hearings; Presentation

A hearing shall be held for every case on appeal whereby the parties may be heard. At the hearing, the appellant shall be allowed to make the first presentation and to be followed by appellee's presentation.

Rule 9. Announcements of Decisions; Time for Reducing Decisions into Writing

The decision, order, or ruling in an appeal shall be announced no later than ten (10) days of the day of oral argument. An oral decision, order, or ruling shall be reduced into writing containing the reasons and bases therefore and entered by the Clerk of the Trial Division within ten (10) days of the rendering of the oral decision. The Clerk of the Trial Division shall immediately cause copies to be delivered to the parties.

**Notes on the Rules of Procedure for Appealing Small Claims Final Decisions
for the State Court of Yap**

¹ The Small Claims Section of the Trial Division of the Yap State Court was established through General Court Order 2001-004 and took effect on October 1, 2001. The Rules for Procedure for Appealing Small Claims Final Decisions were adopted under General Court Order 2001-004.