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**FOR IMMEDIATE RELEASE**

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### **NAVAJO NATION SUPREME COURT CLARIFIES FILING FEE RULES FOR CIVIL CASES**

The Navajo Nation Supreme Court has issued an opinion in Thomas–Pittman v. Navajo Nation, No. SC-CV-56-11, where the filer had submitted a pleading contesting a decision of the Office of Hearings and Appeals in a civil matter without the requisite filing fee and asked for a waiver of that fee due to indigency.

The Court dismissed the pleading and clarified that filing fees in appeals of civil matters or in requests for extraordinary writs in civil matters on the Navajo Nation are jurisdictional and must be paid in compliance with the Navajo Rules of Civil Appellate Procedure Rule 7.

In this case, a pleading that was unclear as to the remedy requested was filed by a pro se petitioner-appellant without payment of the filing fee. There was a claim of indigency as the reason for not paying the filing fee but no documentation to prove indigency status.

The current filing fee for appeals to the Supreme Court is \$60, which the Court said is not inordinately high as to prevent due process.

The Court stated there is no entitlement to legal services or waiver of filing fees in an appeal of civil matters or request for extraordinary writs in civil matters on the Navajo Nation. The Court clarified that exceptions to the filing fee requirement are limited to those mandated by the Navajo Nation Bill of Rights. A filing fee is not required when there is an appeal from a criminal conviction or from a judgment of the Juvenile Court which would have constituted a criminal conviction in the case of an adult. Additionally, a filing fee is not required when an incarcerated adult or a juvenile detained in a correctional facility files a habeas corpus petition. Other than these limited criminal and delinquency circumstances, the Court has never previously recognized waivers in civil matters.

The Court further cautioned that it must be able to glean the remedy requested from the submitted pleading with reasonable assurance. Submitted appeals or petitions for writs must comply with Rule 7 of the Navajo Rules of Civil Appellate Procedure for appeals and Rule 26 for extraordinary writs as to the content required in a *Notice of Appeal* or petition for writ

The case was ordered to be removed from the Court's official docket.

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