



**SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY  
COURT OF APPEALS**

10,005 E. OSBORN RD. SCOTTSDALE, AZ 85256 (480)382.6315

**SABRINA SIDOMA,**

Appellant,

-v-

**TERESA GOMEZ,**

Appellee.

**Case No.: APC-21-0001**

(CF-18-0043)

**ORDER OF DISMISSAL**

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Before, AUSTIN, CLINTON, and RUSSELL, Associate Justices of the SRPMIC Court of Appeals.

An appeal from the SRPMIC Community Court concerning Case No.: CF-18-0043, the Honorable Judge Anthony Little, II presiding.

Amber C. Castaneda, SRPMIC Legal Services Office, for the Appellant.

Teresa Gomez, the Appellee, proceeding pro se.

This is an appeal of the Community Court's decision to revoke guardianship over a minor child. Appellant Sidoma filed a Notice of Appeal with this Court on March 24, 2021 after the Community Court denied her Motion for Reconsideration in which she asked the Community Court to reconsider its decision to revoke her guardianship over the minor child. On April 12, 2021, the Appellate Court Clerk sent the parties notice that the Court received the complete trial record and advised Appellant Sidoma that she had twenty-one (21) calendar days to file her opening brief.

The Court never received an opening brief within the twenty-one (21) day time period. The Court was also notified that Appellant Sidoma never picked up copies of the

trial record nor the audio recordings. On May 26, 2021, we issued an Order to Show Cause which allowed Appellant Sidoma an additional fifteen (15) calendar days to submit her opening brief if she could show good cause as to why her appeal should not be dismissed. Appellant Sidoma did not file an opening brief, respond to the Order to Show Cause, or move for a voluntary dismissal.

I.

In prior cases, this Court has dismissed appeals when the appellant failed to prosecute their appeal. *In the Matter of Loren Watters*, APC-19-0007; *Ruiz v. Ruiz*, APC-19-0005; *Piano v. Bersano*, APC-18-0003; *In the Matter of Abel Bustamante and Samuel Butler*, APJ-17-0004; *Nunez v. Martinez*, APC-16-0008. Under the Salt River Pima-Maricopa Indian Community Rules of Civil Appellate Procedure ("SR-CAP"), an appellant is given twenty-one (21) calendar days to file an opening brief after the Court receives the complete trial record. SR-CAP, Rule 12(a). An appellant may move to voluntarily dismiss their appeal as long as the motion is made before an opening brief is filed. SR-CAP, Rule 11(a). Failure of an appellant to file an opening brief results in an involuntary dismissal. SR-CAP, Rule 11(b). The Appellate Court Clerk gives notice to the parties when the complete trial record is received and advises them on the time period to file an opening brief.

In this case, the Appellant filed her Notice of Appeal on March 24, 2021. On April 12, 2021, the Appellate Court Clerk notified the parties that the complete trial record was available for pick up. Appellant Sidoma was also advised that she had twenty-one (21) calendar days to file her opening brief. However, she did not pick up the trial record nor file an opening brief. Rather than dismissing the appeal outright pursuant to Rule 11(b), we issued an Order to Show Cause. In the Order to Show Cause, we gave Appellant Sidoma an additional fifteen (15) calendar days to submit her opening brief on the condition that she could show good cause as to why her appeal should not be dismissed.

We issued order to show cause pursuant to Rule 11(b) which states that this

Court “may dismiss the appeal upon its own motion . . . for want of prosecution unless good cause is shown why the appeal should not be dismissed.” Rule 11(b) also contains a clause stating that failure to file an opening brief will result in a dismissal. Nonetheless, we took notice of Rule 1 which states that the SR-CAP “shall be liberally construed to promote substantial justice and fairness to parties.” In reviewing the trial record, we noticed that this case involves a minor child and the rights of a parent and a guardian. The issue of guardianship over a minor child is not one this Court takes lightly. To promote substantial justice and fairness to the parties, we issued an Order to Show Cause and allowed Appellant Sidoma an opportunity to cure the impending involuntary dismissal. She did not take the opportunity; therefore, this Court is left with no other option but to dismiss the appeal.

## II.

All advocates who practice law before the Salt River Pima-Maricopa Indian Community Courts are required to follow the Rules of Professional Conduct (“RPC”). RPC, Section 1, Rule I(A) (“‘Advocate’ as used in these rules refers to all Advocates and Attorneys authorized to practice law before the Salt River Pima-Maricopa Indian Community Court”). Under Section 1 of the RPC, Rule XIII states that advocates “shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law” (emphasis added). Moreover, Rule XV, which pertains to advocate conduct towards the Community Courts, states that an advocate shall not knowingly “[m]ake a false statement of material fact or law to the Community Court” and an advocate “shall at all times . . . abide by orders of the Community Court” (emphasis added). Violations of the RPC will subject an advocate to discipline pursuant to Rule XXV.

Advocates should also keep in mind that they have certain duties to their client. See *generally* RPC, Section 1, Rules III – XII. The job of an advocate is to explain the legal process so that the client understands the nature of the process and the issues in

the case. RPC, Section 1, Rule III. In doing so, the client and advocate can discuss how the case should proceed and what decisions to make. In deciding whether a trial court decision should be appealed, advocates should explain to their client the grounds for an appeal, the costs of an appeal, the process, and the possible outcomes. Whether an appeal should be pursued should depend largely on the informed decision of the advocate's client.

Once a notice of appeal is filed, the Court expects the advocate/appellant to diligently prosecute their appeal from beginning to end and to answer and abide by all orders from this Court. Every appeal consumes judicial time and resources of the justices and court staff. When an advocate/appellant does not follow through with their appeal, it results in an unnecessary expenditure of judicial time and resources.

### III.

While this is a court case that involves legal issues, strategy, laws, procedure, and two disputing parties, it also involves a minor child. In cases where parties continue to dispute and pursue more litigation, it is the child that suffers most. Rather than keeping the rights and future of the minor child in limbo, as well as those of the parties, we once again turn to Rule 11(b) and dismiss this case for want of prosecution. It is the least that we can do, and the most that can be done given Appellant Sidoma's inaction. This appeal is dismissed.

**SO ORDERED** this 21<sup>st</sup> day of June, 2021.

Electronically approved 6/21/21

/s/  
Joseph Austin, **Justice**

Electronically approved 6/21/21

/s/  
Robert Clinton, **Justice**

Electronically approved 6/21/21

/s/  
Siera Russell, **Justice**

**SEAL**