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ASSISTANT CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

IN THE SUPREME COURT  
OF THE

REPUBLIC OF THE MARSHALL ISLANDS

SECRETARY OF FINANCE,  
vs.  
METWA IOSIA (on behalf of PATRICK  
KOROK),  
Appellants/Defendants,  
vs.  
LAN DEBRUM,  
Appellee/Defendant,

Supreme Court Case No. 2022-00810  
High Court Civil Action No. 2017-236

**ORDER DISMISSING APPEAL**

BEFORE: CADRA, C.J.; SEABRIGHT, A.J.;<sup>1</sup> and SEEBORG, A.J.<sup>2</sup>

CADRA, C.J., with whom SEABRIGHT, A.J. and SEEBORG, A.J., CONCUR:

**I. INTRODUCTION**

Appellant/Defendant METWA IOSIA on behalf of PATRICK KOROK appeals a March 9, 2022, final judgment of the High Court declaring, *inter alia*, that “Korok and DeBrum are the successors in interest to the 1/11 Eru Island *senior dri jermal* title and interest previously held by Joma (Namiko) including the 1/11 share of the payments under the Kwajalein Land Use Agreement which shall be divided between Korok and DeBrum in equal shares or ½ or 50% to each of them.” That final judgment further directed the Secretary of Finance “to pay future payments for the subject 1/11 Eru Island *senior dri jermal* share in equal shares to each of (sic) Korok and DeBrum” as well as to release certain funds held in escrow to Appellee DeBrum.

<sup>1</sup> Hon. J. Michael Seabright, District Judge, United States District Court, District of Hawaii, sitting as RMI Supreme Court Associate Justice by designation of the Cabinet.

<sup>2</sup> Hon. Richard Seeborg, Chief Judge, United States District Court, Northern District of California, sitting as RMI Supreme Court Associate Justice by designation of the Cabinet.

In arriving at its final judgment, the High Court adopted the opinion of the Traditional Rights Court (TRC). The TRC found that (1) both Patrick Korok and Lan DeBrum are the proper persons to hold and exercise the *dri jermal* share for one of the 11 shares for Eru Island, Kwajalein Atoll, and (2) *Iroiylaplap* Anjua Loeak had the authority under Marshallese custom and tradition to certify and recognize the oldest descendants of Joma's adopted children Kurma and Namiko (currently Patrick Korok and Lan DeBrum) to equally receive the 1/11 *Senior Dri Jermal* share previously received by Joma.

Appellant Metwa Iosia on behalf of Patrick Korok timely appealed. Appellant's opening brief was filed on October 24, 2022. Appellee filed its answering brief on December 5, 2022. In its answering brief, Appellee requests dismissal of this appeal due to Appellant's failure to comply with the requirements of Supreme Court Rule of Procedure (SCRП), Rule 28. Appellant did not file a reply brief. The parties have stipulated to a decision on the briefs.

We dismiss this appeal because Appellant's opening brief fails to substantially comply with SCRП, Rule 28. Appellant's opening brief fails to clearly present us with the questions and points intended to be raised in this appeal; does not advise us of the applicable standard of review; does not provide us with a coherent argument as to why the lower courts erred; and provides us with no authority supporting its contentions. We therefore DISMISS this appeal for Appellant's failure to comply with the appellate rules.

## II. FACTS & PROCEEDINGS BELOW

This dispute presents with a lengthy history.<sup>3</sup> In brief, the parties disagree on how a 1/11 share of Kwajalein land use payments for Eru Island are to be divided.

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<sup>3</sup> We provide a history of how this dispute arose for context. We do not make factual findings by so doing. We derive the procedural history and background of this case from Appellee's Answering Brief, "Statement of the Case," pp. 1-6. Appellant's opening brief contains no "Statement of the Case."

In the case of *Binni & Lomae v. Mwedriktok, et al*, Civil Action No. 318, the Trust Territory High Court, Trial Division, approved a division by *Iroiylalap* Albert Loeak of a single *dri jermal* share of land use payments of Eru Island amongst 11 families. This division of the *dri jermal* share was also approved by the Trust Territory High Court in Civil Action No. 1987-12 and affirmed by the Supreme Court in Supreme Court Civil No. 88-01. The *dri jermal* share, however, was not divided as approved by the courts.

In 1993, *Iroiylalap* Anjua Loeak contacted the Secretary of Finance explaining that Adde Mwedriktok was not distributing 7/11 of the payments on Eru by dividing it equally among the families of Joma, Namwin, Likkait, Lonjor, Ranaj, Belekej and Lijekboke, as he was supposed to be doing. *Iroiij* Anjua instructed the Secretary of Finance to give the 7/11 shares to Larok Philip or Daina Maie who would then distribute the shares properly to those families. Those shares were not distributed as directed.

In 1994, Kotak Loeak, on behalf of *Iroiij* Anjua Loeak, advised the Secretary of Finance that Larok Philip, who had replaced the deceased Adde Mwedriktok, had also failed to distribute the shares equally to the 7 families and ordered, after some checks were withheld to make everyone whole, that each of the families was not to receive a separate and equal payment beginning with the January 1995 payment.

Joma, who was entitled to 1/11 of the *senior dri jermal* share, had no biological children. Joma, however, did adopt three children including a son Kurma and a daughter Namiko. After Joma died, Namiko received the 1/11 share.

After Namiko died, *Iroiylalap* Anjua Loeak recognized Namiko's son, Charles DeBrum, as the proper recipient of Namiko's 1/11 share because he was the son of Namiko and because he

was *botoktok* being the son of Joji, who was an *alap* on Eru but who died before he could exercise the *alap* right.

After Charles DeBrum died, *Iroij* Anjua Loeak temporarily took back the 1/11 *senior dri jermal* right for himself because both of Joma's adopted children and Namiko's children who were *botoktok* on Eru had died. *Iroij* Anjua Loeak, in consultation with his successors in interest, Kotak Loeak and Christopher Loeak and with his *alap*, Betry Langijota, decided to divide the 1/11 share (which had previously been received by Joma and then Namiko) equally between the oldest descendant of Kurma (Appellant Patrick Korok) and the oldest descendant of Namiko (Appellee Lan Debrum). This division was approved by Kotak Loeak and Christopher Loeak, Anjua's successors to the *Iroij* title and rights. *Iroij* Anjua Loeak further ordered the recipients "to share and further distribute their payments pursuant to Marshallese custom."

On January 11, 2017, *Irojlaplap* Kotak Loeak signed a "Certification of Traditional Successor" in which he certified that Appellant Patrick Korok "is the right person entitled under customary law and traditional practices of the Republic of the Marshall Islands as *senior dri jermal* on the above referenced lands."

On January 17, 2017, *Irojlaplap* Kotak Loeak signed a "Certification of Traditional Successor" in which he also certified that Appellee DeBrum was "the rightful person entitled under customary law and traditional practices to exercise the *senior dri jermal* right, title and interest on and to the 1/11 portion of Eru Island upon which Joma and Namiko previously held such right, title and interest."

On January 17, 2017, *Irojlaplap* Kotak Loeak executed a "Clarification of Certifications of Traditional Successors" in which he recognized both Appellant Korok and Appellee DeBrum as

*senior dri jerbals* on the 1/11 share and reiterated that the 1/11 share be divided equally between them.

Apparently, the parties were not satisfied with the *Iroij's* decision regarding the equal distribution of the 1/11 share. The Secretary of Finance (responsible for distributing the land use payments) filed the instant interpleader action on October 5, 2017, against Patrick Korok and Lan Debrum.

The dispute was eventually referred to the TRC to address two questions:

1. Who between Patrick Korok and Lan DeBrum is the proper person to hold and exercise the *dri jermal* title to one of the 11 shares for Eru Island, Kwajalein Atoll? And
2. Did *Iroiylaplap* Anjua Loeak have the authority under Marshallese custom and tradition to certify and reorganize the oldest descendants of Joma's adopted children Kurma and Namiko (currently Patrick Korok and Lan DeBrum) to equally receive the 1/11 *Senior Dri Jermal* share previously received by Joma?

A trial was held and the TRC issued its "Opinion in Answer" on April 8, 2022. The TRC found that (1) both Patrick Korok and Lan DeBrum are the proper persons to exercise the *dri jermal* title for one of the 11 shares for Eru Island, and (2) that *Iroiylaplap* Anjua Loeak had the authority under custom to certify and recognize the oldest descendants of Joma's adopted children Kurma and Namiko (currently Patrick Korok and Lan DeBrum) to equally receive the 1/11 *Senior Dri Jermal* share previously received by Joma.

The TRC explained the custom applicable to the unique facts presented by this case. The TRC explained:

The rights of adopted children pursuant to Marshallese custom are weak, except in cases where the lineage has approved to pass on the land rights to them. In this case, it is Joma who is a member of the Eru Island families and had only adopted Kurma and Namiko. There was no evidence from witness testimony, exhibits presented, or in any valid will(s) that Joma had bequeathed his rights regarding Eru Island to his adopted children, their children, and their descendants. Notwithstanding the foregoing, the *alap* and *Iroij* of Eru Island still want to provide for and include them in the Eru Island *dri-jermal* shares. Therefore, it is the opinion and answer of the TRC panel – that *Iroiylaplap* Anjua Loak had the authority, under Marshallese custom and tradition, to recognize the oldest descendants of Joma's adopted

children, (currently Patrick Korok and Lan DeBrum) to equally share the 1/11 share previously received by Joma from the Eru Island, Kwajalein Atoll land payments.<sup>4</sup>

The High Court adopted the decision of the TRC in its April 20, 2021 “Amended Order on TRCP Rule 9 Hearing Adopting TRC Opinion in Answer and Setting Status Conference.” The High Court entered its final judgment on March 9, 2022. Appellant filed a timely Notice of Appeal on April 8, 2022.

Appellant filed its Opening Brief on October 24, 2022. Appellee filed its Answering Brief on December 5, 2022. In its Answering Brief, Appellee urges dismissal of this appeal pursuant to SCRP, Rule 42(b)(3) for Appellant’s failure to comply with the requirements of SCRP, Rule 28(b)(1) through (b)(6). Appellant did not file a Reply Brief responding to Appellee’s request for dismissal or responding to Appellee’s substantive arguments. Rather, the parties waived oral argument and stipulated to a decision on the briefing.

As discussed below, Appellant’s failure to comply with the briefing requirements of Rule 28 renders us unable to clearly discern the issues and arguments intended to be raised in this appeal. Appellant’s briefing merely disagrees with the TRC’s findings claiming those findings were not based on the custom while offering no testimony or authority of a controlling contrary custom. Appellant’s brief does not identify the applicable standard of review and does not explain why the lower court(s’) decisions are erroneous. We will not take on the role of advocate to perform research and make arguments which might be available to Appellant. We will also not risk establishing bad precedent by issuing a decision on the merits based on defective briefing. We

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<sup>4</sup> To the extent we understand Appellant’s argument in its Opening Brief, Appellant contends that the TRC’s decision was not based on the *manit* (custom) but rather on a “declaration of love or *Aje in lakwe* for the children of Kurma and Namiko” and that the TRC’s decision should have been based exclusively on the parties’ *menmenbwij*. (OB, p. 7). It seems clear however that the TRC found that the *Iroij* has the authority under custom to divide the 1/11 share equally as it did and that the rights of adopted children are weak. Appellant does not present any evidence or authority that the TRC’s decision was contrary to custom.

therefore DISMISS this appeal for Appellant's unexplained failure to substantially comply with the requirements of SCRCP, Rule 28.

### **III. DISCUSSION**

#### **A. Compliance With SCRCP, Rule 28, Is Mandatory.**

Counsel's obligations in advancing arguments on appeal are spelled out specifically in RMI SCRCP, Rule 28, which provides a mandatory template for an appellant's opening brief. The brief of the appellant must contain "the following sections" in the following order: (1) a subject index and table of contents; (2) a statement of jurisdiction; (3) a concise statement of the case, including "all supporting and contradictory evidence" presented in summary fashion with references to the record; (4) a statement of the points on which appellant intends to rely; (5) a statement of the standard of review; (6) a statement of the question or questions presented for decision; (7) an argument section "exhibiting clearly the points of fact and fact being presented citing the authorities relied upon; (8) a verbatim recitation of "relevant parts of the constitutional provisions, statutes, ordinances, treatises, regulations, or rules involved" set forth in the brief or in an appendix; (9) a conclusion specifying the relief sought; and (10) a statement of related cases which must be presented as the last page of the brief. *See* SCRCP, Rule 28(a),(b)(1-11). The Rule specifically provides that points and questions which are not presented in accordance with the Rule "will be disregarded" by the Supreme Court unless plain error is noted. *See* Rule 28(b)(4) and (b)(6).

Appellate rules are not "mere technicalities, but rather serve an important purpose in facilitating appellate review." *See Draper v. DeFrenchi-Gordineer*, 282 P.3d 489, 499 (Colo. App. 2011)(discussing Colorado Rule Appellate Procedure 28 which is substantially identical to Federal Rule of Appellate Procedure (FRCP) 28 and RMI SCRCP 28). The important purpose of

the rules governing the format and contents of appellate briefs is to give notice to the opposing party of the contentions raised on appeal and to ensure that the appellate courts do not become advocates by speculating on facts and on arguments which have not been made. *See, e.g., generally, Murphee v. Lakeshore Est., LLC*, 636 S.W.3d 622, 625 (Mo. App. 2021); *see also In Re Marn Fam. Litig.*, 129 Haw. 269, 297 P.3d 1125 (Ct. App. 2014)(unpublished disposition), *vacated*, 132 Haw. 165, 319 P.3d 1173 (2014)(“The case law highlights that the critical inquiry is not whether the appellant perfectly complied with the technical requirements of [Hawaii Rules of Appellate Procedure (“HRAP”) Rule 28 regarding the form of the opening brief but whether the appellant’s opening brief complies with the substantive underpinnings of the rule: Whether the content of the brief permits (1) the appellee to respond to issues raised by the appellant without having to guess at the appellant’s intent and (2) the reviewing court to assess the merits without doing the appellant’s work for him or her.”). Compliance with the appellate rules is necessary so that the Court is fully aware of the facts of the case, the applicable law and the issues presented for review. *See, e.g., Rodriguez-Machado v. Shinseki*, 700 F.3d 48, 49 (1st Cir. 2012)(noting that appellate rules of procedure “provide the means by which we ‘gain[ ] the information that [we] require[ ] to set the issues in context and pass upon them.’ So, naturally, ‘[w]hen a party seeking appellate review fails to comply with the rules in one or more substantial respects, its failure thwarts this effort and deprives [us] of the basic tools that [we] need to carry out this task.’”(alterations in original)(citation omitted). It is not our job to raise issues, perform legal research and make arguments on behalf of a litigant. *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005) (discussing Rule 28 “the court cannot take on the responsibility of serving as the litigant’s attorney in constructing arguments and searching the record.”).



To further the important purposes of the Rule compliance with the briefing requirements of Rule 28 is mandatory. Rule 28(a) states “All briefs must conform with this rule...” (Emphasis added). Note that FRAP 28(a) contains all the sections set forth by SCRCP 28(b); the difference between the two rules is the numbering of the requirements not the substance of what is required. *See, e.g., Sioson v. Knights of Columbus*, 303 F.3d 458, 459 (2<sup>nd</sup> Cir. 2002)(“It is axiomatic that the requirements of Federal Rule of Appellate Procedure 28(a) are mandatory.”); *see also, Ernst Haas Studio, Inc. v. Palm Press, Inc.*, 164 F.3d 110, 112 (2<sup>nd</sup> Cir. 1999)(per curiam)(noting that compliance with the requirements of Rule 28 is mandatory).

We have discretion to dismiss appeals because of noncompliance with the mandatory requirements of Rule 28. SCRCP, Rule 42(b)(3) provides, “[t]he Supreme Court may also dismiss an appeal, on its own initiative, for failure of appellant to abide by these rules or for lack of timely compliance with these rules.” *See also N/S Corp. v. Liberty Mut. Ins. Co.*, 127 F.3d 1145, 1146 (9<sup>th</sup> Cir. 1997)(dismissing appeal where brief omitted standard of review, contained only a handful of record citations, and where appellant did not respond to a motion to dismiss); *Sekiya v. Gates*, 508 F.3d 1198, 1200 (9<sup>th</sup> Cir. 2007)(dismissing appeal where brief failed to provide applicable standard of review, made virtually no legal argument, and lacked table of contents, table of authorities, citations to authority, and accurate citations to the record.)

**B. Appellant’s Failure to Comply With SCRCP 28 Justifies Dismissal of This Appeal.**

**1. Appellant’s brief fails to comply with Rule 28(b)(1) and (2).**

Appellant has failed to provide a subject index and a statement showing the grounds on which the jurisdiction of this Court has been invoked as required by SCRCP, Rule 28(b)(1) and (2).

Compliance with these two sections of Rule 28 is not difficult. Creating a subject index and table of authorities requires no specialized legal knowledge. It is likewise not difficult to set forth the basis for this Court's jurisdiction and make a showing that the appeal was timely filed by referencing the record. While it is clear that we have jurisdiction over this appeal and that the appeal was timely filed, Appellant's noncompliance suggests a willful disregard of the court's rules or an unfamiliarity with the Rules of Appellate Procedure.

**2. Appellant's brief fails to comply with Rule 28(b)(3).**

Rule 28(b)(3) provides that the opening brief must contain:

A concise statement of the case, containing the facts material to consideration of the questions and points presented, with record references, supporting each statement of fact or mention of trial proceedings. In presenting these material facts all supporting and contradictory evidence must be presented in summary fashion and with appropriate record references.

Appellant's opening brief contains no "statement of the case" meeting the requirements of Rule 28(b)(3). The rule requires record references for all facts material to consideration of the questions and points raised on appeal. All supporting and contradictory evidence must also be presented and provided with references to the record. The purpose for the rule requiring a statement of facts relevant to the questions presented for review is "to afford an immediate, accurate, complete and unbiased understanding of the facts of the case." *See, e.g., Lattimer v. Clark*, 412 S.W.3d 420, 422 (Mo. 2013)(discussing state appellate rule 84 which is the substantial equivalent of Rule 28(b)(3)).

Although Appellant cites the trial transcript in support of its position, Appellant fails to present in a summary fashion the contradictory evidence along with appropriate record references as required by the Rule. Appellant's brief thus leaves us with an incomplete understanding of what occurred below and what facts were submitted before the trial court.

Having been provided a one-sided presentation of the case we are presented with the arduous task of reviewing the transcript to get “both sides of the story.”

Further, Appellant’s citations to the transcript/record do not refer to facts or testimony regarding the custom applicable to the unique facts of this case but rather to argument by counsel.<sup>5</sup> Arguments by counsel, or counsel’s opinion as to what the applicable custom is, are not facts or evidence. We are thus again left with the task of scouring the record to determine whether Appellant offered any testimony or “facts” regarding the alleged custom(s) on which Appellant relies.

**3. Appellant’s brief fails to comply with Rule 28(b)(4).**

Rule 28(b)(4) requires that the opening brief contain “[a] concise statement of the points on which appellant intends to rely, set forth in separate numbered paragraphs.” The Rule further provides that “[p]oints not presented in accordance with this section will be disregarded, except that the Supreme court, at its option, may notice a plain error not presented.”

Appellant’s brief fails to comply with Rule 28(b)(4). There is no separate statement of the points Appellant relies upon in this appeal. This failure alone justifies dismissal of the appeal. “It is well settled that failure to comply with HRAP Rule 28(b)(4) is alone sufficient to affirm the [trial] court’s judgment.” *Marvin v. Pflueger*, 127 Haw. 490, 496, 280 P.3d 88, 94 (2012)(construing HRAP 28 which is substantially identical to RMI SCR 28 and FRAP 28).

**4. Appellant’s brief fails to comply with Rule 28(b)(5).**

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<sup>5</sup> Appellant’s citations to p. 51 of the transcript for the proposition that “everything in the *Manit* is decided by the *menmenbwij* ...” and p. 52 of the transcript for Appellant’s argument that “the High Court committed error because it does not matter whether they were adopted or *Kokajiriri* of Joma” is a reference to counsel’s closing argument. Counsel’s argument is not evidence of the custom. We do not see in the transcript where Appellant introduced testimony of these asserted customs.

SCRIP, Rule 28(b)(5) requires a section of the opening brief “setting forth the standard or standards of review to be applied in reviewing the respective orders or decisions of the court alleged to be erroneous.”

Appellant’s opening brief contains no section setting forth the applicable “standard of review” as required by Rule 28(b)(5). Appellant’s brief leaves this Court or the opposing party to determine the applicable standard on its behalf. While Appellant makes a passing reference to our recent decision in *Zedhkeia v. Leit and Ketu*, Supreme Court Case No. 2019-01, in arguing the “TRC’s decision in this land title dispute was ‘clearly erroneous,’”<sup>6</sup> there is no discussion of how that standard of review applies to the issues raised in this appeal. There is no explanation why the decision appealed from is “clearly erroneous” or why the lower courts’ findings are unsupported by credible evidence. It is not our job to identify the standard of review and then structure Appellant’s arguments around that standard.

**5. Appellant’s brief fails to comply with Rule 28(b)(6).**

SCRIP Rule 28(b)(6) requires a “short and brief statement of the question or questions presented for decision by the points specified under (b)(4) of this rule, set forth in the most general terms possible.”

Appellant has failed to comply with Rule 28(b)(4). The questions posed by Appellant do not reference the points raised in this appeal. Appellant merely asks us whether we agree or disagree with the TRC’s answers to the questions referred to the TRC and High Court for decision. We set out Appellant’s “questions” *verbatim*:

1. Was the TRC panel correct or erroneous in its December 31, 2018 Opinion in determining that, firstly, it was proper under Marshallese custom for both, Defendant Patrick Korok and Defendant Lan DeBrum, to equally receive the 1/11 *Senior Dri Jerbal* title, rights and interest and shares on Eru Island, Kwajalein atoll, as previously held by their grandfather, Joma Langmiko, and that secondly, the *Irojlaplap* Anjua Loeak had

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<sup>6</sup> Opening brief, p. 10, discussing the “related case” of *Korok v. DeBrum*, CA No. 2011-180.

the authority under Marshallese custom and tradition to certify and recognize the oldest descendants of Joma's adopted children Kurma and Namiko (currently Patrick Korok and Lan DeBrum) to equally receive the 1/11 *Senior Dri Jerbal* share previously received by Joma?

2. Was the High Court correct or erroneous in its April 21, 2021 Order that, the Opinion of the TRC panel was not clearly erroneous or contrary to law, and answered all of the questions and followed procedure in issuing its Opinion in Answer, and that, both Defendant Korok and Defendant DeBrum, are to equally receive the 1/11 *Senior Drijerbal* title rights and shares on Eru Island, Kwajalein Atoll, as declared by the *Iroiylaplap*?
3. And was the High Court correct or erroneous in its March 9, 2022 Final Judgment that Defendant DeBrum is owed \$150,523.61 and Defendant Korok was overpaid \$173,819.13, even after finding out and stating in its Judgment that, the Office of the Attorney General negligently and erroneously advised the Secretary of Finance to release the funds to Patrick Korok, previously on hold from the previous dispute or related case in *Korok v. DeBrum*.

None of the three "questions" raised by Appellant reference the points raised on appeal. As regards the third question, we are not provided any reference to the record where the issue was raised before the High Court and nowhere in Appellant's brief is there any citation to authority that the High Court could not make the finding that Korok was overpaid. If Appellant believed the "negligence" of the Attorney General's advice to the Secretary of Finance was an issue in this interpleader action, Appellant should have made that argument below. We are not referred to the record where such an argument was made.

**6. Appellant's brief fails to comply with Rule 28(b)(7).**

Appellant's opening brief contains no section devoted to an "argument, exhibiting clearly the points of fact and of law being presented, citing the authorities relied upon" as required by Rule 28(b)(7). Rather, Appellant's brief merely sets forth its version of facts presented to the TRC. There is no reference to authorities supporting Appellant's assertions regarding the applicable custom. Appellant's reference to Tobin's treatise is merely a general statement of custom which does not aid in the resolution of this appeal. Appellant offers no case authorities for guidance in

resolving this appeal and does not respond to Appellee's long list of authorities supporting its position. Appellant's arguments are conclusory and undeveloped. Issues insufficiently briefed are deemed abandoned. *Kramer & PII v. Are & Are*, 3 MILR 56, 69 (2008).

**7. Appellant failed to respond to Appellee's request for dismissal.**

After Appellee pointed out the numerous deficiencies in Appellant's opening brief, Appellant made no effort to respond to Appellee's arguments that this appeal should be dismissed and/or correct its failures to comply with Rule 28 by filing a reply brief. We are thus left to defend Appellant's defective briefing on its behalf. We are unwilling to take on the role of Appellant's advocate. Failure to address alleged deficiencies in briefing by way of reply justifies dismissal. *See, e.g., N/S Corp., supra.*

**IV. CONCLUSION**

Appellant's opening brief utterly fails to comply with the mandatory requirements of SCRP, Rule 28. Appellant's disregard of the appellate rules alone justifies dismissal of this appeal. While minor deviations from the rules might be excused, a wholesale departure from the mandatory briefing requirements of Rule 28 requires dismissal, otherwise, the Rules of Appellate Procedure become meaningless.

More importantly, Appellant's brief fails to clearly present us with the issues intended to be raised and decided by this appeal. We are not provided with a clear statement of why the decision of the TRC is erroneous or contrary to custom. Appellant's arguments are conclusory and undeveloped. Those arguments are not supported by any decisional authority. As best as we can determine from Appellant's brief, Appellant merely disagrees with the decisions reached by the TRC and High Court.

When an appellant files a brief that is not in conformity with the appellate rules and does not sufficiently advise us of the contentions asserted and the merit thereof, this Court is “left with the dilemma of deciding the case (and possibly establishing precedent for future cases) on the basis of inadequate briefing and advocacy or undertaking additional research and briefing to supply the deficiency.” *Thummel v. King*, 570 S.W.2d 679, 686 (Mo. 1978)(en banc). We are unwilling to take on the role of Appellant’s advocate.

This appeal is accordingly DISMISSED.

Dated: 3/20/23

/S/

Daniel Cadra, Chief Justice

Dated: 3/20/23

/S/

J. Michael Seabright, Associate Justice

Dated: 3/20/23

/S/

Richard Seeborg, Associate Justice