



## Bureau of Justice Statistics

# State Court Organization 1998

**Courts and judges**

**Judicial selection and service**

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**Appellate courts**

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**The jury**

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## PART IV: Appellate courts: jurisdiction, staffing, and procedures

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Appellate courts do not decide questions of guilt and innocence in criminal cases or liability in civil cases; nor do they ensure that each trial court proceeding was perfect. Appellate courts instead review selected issues concerning the conduct and results of a trial and decide if errors were committed. However, in the course of focusing on specific issues, appellate courts may create broad public policies.

Table 1 lists the names of all appellate courts established in a state, gives the number of locations at which those appellate courts hold sessions, and indicates whether each court has separate administrative rules and a chief justice or chief judge. Appellate court systems vary greatly in structure, jurisdiction, and method of judicial selection. Tables in this section describe 53 appellate systems, each with its own court of last resort: the fifty states, the District of Columbia, the Commonwealth of Puerto Rico and the federal system. The courts of last resort in these systems range in size from five to nine judges. A majority of state courts of last resort (COLRs) have seven members, including those in the most populous states (e.g., California, New York). The U. S. Supreme Court and a few state supreme courts have nine Justices (e.g., Iowa, Mississippi, Washington). Texas and Oklahoma depart from the national pattern by establishing two courts of last resort: one for civil cases and one for criminal cases.

A common state response to increasing appeals is to create an intermediate court of appeals (IAC). In 11 states, the intermediate appellate court is similar in size to the court of last resort. In 29 states, the intermediate appellate courts have more than nine members and as many as 93 (California) authorized Judges who serve on panels within geographically based districts. In Alabama, New York, Pennsylvania, and Tennessee there is more than one IAC.

While it is accepted that all losing litigants have the opportunity as a matter of right to a review in an appellate court, it is also believed that one review is sufficient to protect a litigant's interest in an error-free trial proceeding. The division of responsibility between COLR and IAC rests on the premise that all appellate work can be sorted into the two categories of error correcting and lawmaking. In performing its lawmaking responsibility, a court of last resort chooses the cases it will consider and decide from among the petitions filed with it. Cases that are further appealed to the court of last resort are likely to be more complex, and to have broader policy implications beyond the interests of the parties. Error correcting is assigned to IACs, which receive appeals directly from trial courts and typically have no discretion to decline to decide a case. Table 23 indicates, for each appellate court with discretionary jurisdiction, who makes the decision to grant a petition—

the court en banc, a panel, a commissioner, or a single justice. The number of justices needed to make a decision on the size of the reviewing panel and its structure is also described in that table.

In most states, appeals of trial court and administrative agency decisions reach IACs as a matter of right (that is, the court has broad mandatory jurisdiction over such appeals. Litigants may appeal their case further to the court of last resort, although courts of last resort in states with an IAC, have discretionary jurisdiction to reject the litigant's petition without further review. Each state's substantive law also has an impact on the route appeals take. For example, appeals in death-penalty cases are taken directly from the trial courts to courts of last resort, except in those states (Alabama, Ohio, Tennessee) where death penalty appeals go directly to the intermediate appellate court. Table 22 describes the allocation of mandatory and discretionary jurisdiction for eight types of appeals. Table 29 indicates which courts review administrative agency decisions in each state. Trial courts exercising what is termed their incidental appellate jurisdiction sometimes undertake agency review.

The manner in which appellate courts do their work continues to evolve. Several tables in this section describe how appellate courts have streamlined the appellate process. Table 26 on expedited procedures consider five ways to speed the appeal process: Preargument settlement conferences, advanced queues, expedited briefs, substitution of oral argument for full written briefs, and submission on briefs alone. Table 27 lists the states that have adopted special calendars and the case types to which they apply. Restriction on oral argument for routine cases is another way appellate courts use their resources more efficiently. Table 28 indicates whether oral argument is restricted, whether it is restricted for civil or criminal appeals, and who decides on the appeals to which the restriction applies.

Finally, there are several tables that report on appellate court staff. Table 24 provides details on the designated clerk of court, the number of clerks, their selection method, their terms of office and specified qualifications. (Only the supreme courts of Indiana, Montana, and the 12 regional IACs in Ohio hold popular elections when selecting clerks).

The respective responsibility of the clerk's office and the administrative office of the courts for 21 functional areas is stated in table 19. This table is new to State Court Organization, 1998 and shows the extent of responsibility for each function and the number of full time equivalent staff used for each function.

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Law clerks provide direct support to appellate justices and judges, or to the court in general, through a central legal staff. Recent studies<sup>1</sup> have established the importance of appellate court staff in accounting for variation in court processing time in intermediate appellate courts. The number of law clerks for each justice and the number of central law staff are found on Table 25.

Appellate practice is a complex area, and the information presented here is offered as a basic guide that provides the framework to undertake more detailed examination of procedural innovations in the appellate courts. The bibliography that follows lists sources where detailed information on appellate procedures can be found.

### Select Bibliography

Joy Chapper and Roger Hanson, *Intermediate Appellate Courts: Improving Case Processing*, Williamsburg, VA: National Center for State Courts, 1990.

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Robert A. Leflar, *Internal Operating Procedures of Appellate Courts*, Chicago, 1976.

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Robert L. Stern, *Appellate Practice in the United States: Second Edition*, Washington, D.C. The Bureau of National Affairs, 1989.

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<sup>1</sup> Roger A. Hanson, *Time on Appeal*, Williamsburg, Va.: National Center for State Courts, 1996.

**Table 22. Mandatory and Discretionary Jurisdiction of Appellate Courts**

| Court type<br>(C= Court of Last Resort)<br>(I= Intermediate Court Of Appeals) | Civil Appeals  | Criminal Appeals  | Administrative Agency Appeals | Extraordinary Writs | Guilty Pleas      | Post Conviction Relief | Death Penalty Cases | Sentencing Issues  |
|---|----------------|-------------------|-------------------------------|---------------------|-------------------|------------------------|---------------------|--------------------|
| <b>Alabama</b>  |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | m              | nj                | m                             | m                   | nj                | d                      | m                   | d                  |
| I Court of Civil Appeals  | m              | nj                | m                             | d                   | nj                | nj                     | nj                  | nj                 |
| I Court of Criminal Appeals   | nj             | m                 | nj                            | m                   | nj                | m                      | m                   | m                  |
| <b>Alaska</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | m              | d                 | m                             | both                | nj                | m                      | nj                  | d                  |
| I Court of Appeals  | nj             | both              | nj                            | both                | nj                | m                      | nj                  | m                  |
| <b>Arizona</b>  |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | both           | both              | d <sup>2</sup>                | d                   | d                 | d                      | m                   | 1                  |
| I Court of Appeals  | m              | m                 | m <sup>2</sup>                | m                   | nj                | m                      | nj                  | m                  |
| <b>Arkansas</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | m              | m                 | m                             | m                   | m                 | m                      | m                   | m                  |
| I Court of Appeals  | m              | m                 | m                             | nj                  | m                 | nj                     | nj                  | m                  |
| <b>California</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | d <sup>3</sup> | d <sup>3</sup>    | d <sup>3</sup>                | d <sup>3</sup>      | d <sup>3</sup>    | d <sup>3</sup>         | m                   | d <sup>3</sup>     |
| I Court of Appeals  | m              | m                 | d                             | d                   | m                 | d                      | nj                  | m                  |
| <b>Colorado</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | both           | both              | both                          | both                | d                 | d                      | m                   | d                  |
| I Court of Appeals  | m              | m                 | m                             | nj                  | m                 | m                      | nj                  | m                  |
| <b>Connecticut</b>  |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | d              | d <sup>4</sup>    | d                             | m                   | d <sup>4</sup>    | d                      | m                   | nj                 |
| I Appellate Court   | m              | m                 | m                             | m                   | m                 | m                      | nj                  | nj                 |
| <b>Delaware</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | m              | m                 | m                             | m                   | m                 | m                      | m                   | m                  |
| <b>District of Columbia</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Court of Appeals  | m              | m                 | m                             | m                   | 5                 | m                      | nj                  | m                  |
| <b>Florida</b>  |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | both           | both <sup>6</sup> | both <sup>7</sup>             | d                   | nj <sup>8</sup>   | both <sup>6</sup>      | m                   | both               |
| I District Courts of Appeal   | m              | m                 | m                             | d                   | nj <sup>8</sup>   | m                      | nj                  | m                  |
| <b>Georgia</b>  |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | both           | both              | d                             | both                | m                 | d                      | m                   | m                  |
| I Court of Appeals  | both           | both              | d                             | nj                  | m                 | nj                     | nj                  | m                  |
| <b>Hawaii</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | m              | m                 | m                             | d                   | m                 | m                      | nj                  | m                  |
| I Intermediate Court of Appeals   | m              | m                 | m                             | d                   | m                 | m                      | nj                  | m                  |
| <b>Idaho</b>  |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | m              | m                 | m                             | m                   | m                 | m                      | m                   | m                  |
| I Court of Appeals  | m              | m                 | nj                            | nj                  | m                 | m                      | nj                  | m                  |
| <b>Illinois</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | d              | both              | both                          | d                   | d                 | d                      | m                   | d                  |
| I Appellate Court   | m              | m                 | m                             | nj                  | m                 | m                      | nj                  | m                  |
| <b>Indiana</b>  |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | both           | both              | d                             | m                   | both              | both                   | m                   | m                  |
| I Court of Appeals  | m              | m                 | m                             | m                   | m                 | m                      | nj                  | m                  |
| I Tax Court   | nj             | nj                | m                             | nj                  | nj                | nj                     | nj                  | nj                 |
| <b>Iowa</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | both           | both              | m                             | both                | m                 | both                   | nj                  | both               |
| I Court of Appeals  | both           | both              | m                             | both                | m                 | both                   | nj                  | both               |
| <b>Kansas</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | both           | both              | both                          | m                   | both              | d                      | m                   | both               |
| I Court of Appeals  | m              | m                 | m                             | m                   | m                 | m                      | nj                  | m                  |
| <b>Kentucky</b>   |                |                   |                               |                     |                   |                        |                     |                    |
| C Supreme Court   | both           | both <sup>9</sup> | both                          | m                   | both <sup>9</sup> | both <sup>9</sup>      | m                   | both <sup>10</sup> |
| I Court of Appeals  | m              | m                 | m                             | m                   | m                 | m                      | nj                  | m                  |

**Table 22. Mandatory and Discretionary Jurisdiction of Appellate Courts**

| Court type<br>(C= Court of Last Resort)<br>(I= Intermediate Court Of Appeals) | Civil Appeals | Criminal Appeals   | Administrative Agency Appeals | Extraordinary Writs | Guilty Pleas | Post Conviction Relief | Death Penalty Cases | Sentencing Issues |
|---|---------------|--------------------|-------------------------------|---------------------|--------------|------------------------|---------------------|-------------------|
| <b>Louisiana</b>  |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | both          | both               | both                          | d                   | both         | d                      | m                   | d                 |
| I Courts of Appeal  | m             | m                  | m                             | d                   | both         | d                      | nj                  | d                 |
| <b>Maine</b>  |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Judicial Court  | m             | m <sup>11</sup>    | m <sup>12</sup>               | nj                  | m            | d                      | nj                  | d                 |
| <b>Maryland</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Court of Appeals  | d             | d                  | d                             | d                   | d            | d                      | m                   | d                 |
| I Court of Special Appeals  | m             | m                  | m                             | m                   | d            | d                      | nj                  | d                 |
| <b>Massachusetts</b>  |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Judicial Court  | both          | both               | both                          | d                   | nj           | d                      | nj                  | nj                |
| I Appeals Court   | m             | m                  | m                             | d                   | nj           | d                      | nj                  | nj                |
| <b>Michigan</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court <sup>13</sup>   | d             | d                  | d                             | both                | d            | d                      | nj                  | d                 |
| I Court of Appeals  | both          | both               | both                          | d                   | d            | both                   | nj                  | both              |
| <b>Minnesota</b>  |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | both          | both               | d                             | d                   | d            | d                      | nj                  | d                 |
| I Court of Appeals  | m             | m                  | m                             | m                   | m            | m                      | nj                  | m                 |
| <b>Mississippi</b>  |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m             | m                  | m                             | m                   | nj           | m                      | m                   | nj                |
| I Court or Appeals  | m             | m                  | m                             | m                   | nj           | m                      | nj                  | nj                |
| <b>Missouri</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | both          | d                  | d                             | d                   | d            | d                      | m                   | d                 |
| I Court of Appeals  | m             | m                  | m                             | m                   | m            | m                      | nj                  | m                 |
| <b>Montana</b>  |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m             | m                  | d                             | d                   | m            | m                      | m                   | <sup>14</sup>     |
| <b>Nebraska</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | d             | d                  | d                             | m                   | d            | d                      | m                   | d                 |
| I Court of Appeals  | m             | m                  | m                             | m                   | m            | m                      | nj                  | m                 |
| <b>Nevada</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m             | m                  | m                             | m                   | m            | m                      | m                   | m                 |
| <b>New Hampshire</b>  |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | d             | d                  | d                             | d                   | d            | d                      | m                   | d                 |
| <b>New Jersey</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court <sup>15</sup>   | both          | both               | both                          | both                | both         | both                   | m                   | both              |
| I Appellate Division of Superior Court  | m             | m                  | m                             | m                   | m            | m                      | nj                  | m                 |
| <b>New Mexico</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | both          | both <sup>16</sup> | m <sup>17</sup>               | d                   | nj           | d                      | m                   | nj                |
| I Court of Appeals  | m             | m                  | m                             | nj                  | m            | nj                     | nj                  | m                 |
| <b>New York</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Court of Appeals  | m             | m                  | m                             | m                   | d            | d                      | m                   | d                 |
| I Appellate Division of Superior Court  | m             | m                  | m                             | m                   | m            | d                      | nj                  | m                 |
| I Appellate Terms of Superior Court   | m             | m                  | nj                            | m                   | m            | m                      | nj                  | nj                |
| <b>North Carolina</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | d             | d                  | both                          | d                   | d            | d                      | m                   | both              |
| I Court of Appeals  | m             | m                  | m                             | both                | both         | both                   | nj                  | m                 |
| <b>North Dakota</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m             | m                  | m                             | d                   | m            | m                      | nj                  | m                 |
| I Court of Appeals  | m             | m                  | m                             | d                   | m            | m                      | nj                  | m                 |
| <b>Ohio</b>   |               |                    |                               |                     |              |                        |                     |                   |
| C Supreme Court   | both          | both               | both                          | m                   | d            | d                      | m                   | d                 |
| I Court of Appeals  | m             | m                  | m                             | m                   | m            | m                      | m                   | m                 |

**Table 22. Mandatory and Discretionary Jurisdiction of Appellate Courts**

| Court type<br>(C= Court of Last Resort)<br>(I= Intermediate Court Of Appeals) | Civil Appeals   | Criminal Appeals | Administrative Agency Appeals | Extraordinary Writs | Guilty Pleas | Post Conviction Relief | Death Penalty Cases | Sentencing Issues |
|---|-----------------|------------------|-------------------------------|---------------------|--------------|------------------------|---------------------|-------------------|
| <b>Oklahoma</b>   |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m               | nj               | m                             | both                | nj           | nj                     | nj                  | nj                |
| C Court of Criminal Appeals   | nj              | m                | nj                            | m                   | m            | m                      | m                   | m                 |
| I Court of Appeals  | m <sup>18</sup> | nj               | m                             | m                   | nj           | nj                     | nj                  | nj                |
| <b>Oregon</b>   |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | both            | both             | m                             | d                   | nj           | nj                     | m                   | d                 |
| I Court of Appeals  | m               | m                | m                             | m                   | m            | m                      | nj                  | m                 |
| <b>Pennsylvania</b>   |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | both            | both             | both                          | both                | nj           | d                      | m                   | nj                |
| I Superior Court  | both            | m                | nj                            | nj                  | nj           | m                      | nj                  | m                 |
| I Commonwealth Court  | m               | m                | both                          | both                | nj           | both                   | nj                  | nj                |
| <b>Puerto Rico</b>  |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | d               | d                | d                             | d                   | d            | d                      | nj                  | m                 |
| I Circuit Court of Appeals  | both            | both             | both                          | both                | d            | d                      | nj                  | m                 |
| <b>Rhode Island</b>   |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m               | m                | d                             | d                   | nj           | m                      | nj                  | m                 |
| <b>South Carolina</b>   |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m               | m                | m                             | d                   | m            | d                      | m                   | m                 |
| I Court of Appeals  | m               | m                | m                             | m                   | m            | nj                     | nj                  | nj                |
| <b>South Dakota</b>   |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m               | m                | m                             | d                   | m            | m                      | m                   | m                 |
| <b>Tennessee</b>  |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | d               | d                | d                             | d                   | d            | d                      | m                   | d                 |
| I Court of Appeals  | m               | nj               | m                             | d                   | nj           | nj                     | nj                  | nj                |
| I Court of Criminal Appeals   | nj              | m                | nj                            | d                   | m            | m                      | m                   | m                 |
| <b>Texas</b>  |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | d               | nj               | d                             | m                   | nj           | nj                     | nj                  | nj                |
| C Court of Criminal Appeals   | nj              | d                | nj                            | m                   | d            | d                      | m                   | both              |
| I Courts of Appeal  | m               | m                | m                             | m                   | m            | m                      | nj                  | m                 |
| <b>Utah</b>   |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m               | m                | m                             | d                   | m            | d                      | m                   | m                 |
| I Court of Appeals  | m               | m                | m                             | d                   | m            | d                      | nj                  | m                 |
| <b>Vermont</b>  |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m               | m                | m                             | m                   | m            | m                      | nj                  | d                 |
| <b>Virginia</b>   |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | d               | d                | both                          | d                   | d            | d                      | m                   | d                 |
| I Court of Appeals  | nj              | d                | m                             | d                   | d            | d                      | nj                  | d                 |
| <b>Washington</b>   |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | d               | d                | d                             | d                   | d            | d                      | m                   | d                 |
| I Court of Appeals  | m               | m                | m                             | nj                  | m            | m                      | nj                  | m                 |
| <b>West Virginia</b>  |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court of Appeals  | d               | d                | d                             | d                   | d            | d                      | nj                  | d                 |
| <b>Wisconsin</b>  |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | nj              | nj               | nj                            | nj                  | nj           | nj                     | nj                  | nj                |
| I Court of Appeals  | m               | m                | m                             | m                   | m            | m                      | nj                  | m                 |
| <b>Wyoming</b>  |                 |                  |                               |                     |              |                        |                     |                   |
| C Supreme Court   | m               | m                | m                             | m                   | m            | d                      | m                   | m                 |
| <b>Federal</b>  |                 |                  |                               |                     |              |                        |                     |                   |
| C US Supreme Court <sup>19</sup>  | d               | d                | d                             | d                   | d            | d                      | d                   | d                 |
| I US Court of Appeals <sup>20</sup>   | m               | m                | m                             | d                   | m            | m                      | m                   | m                 |
| I US Court of Veterans Appeals <sup>21</sup>                                  | nj              | nj               | m                             | d                   | nj           | nj                     | nj                  | nj                |

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## Table 22. Mandatory and Discretionary Jurisdiction of Appellate Courts

### FOOTNOTES:

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**Arizona:**

<sup>1</sup>Sentencing issues might be raised in any case.

<sup>2</sup>Division I has discretion in unemployment appeals.

**California:**

<sup>3</sup>Review of IAC decision.

**Connecticut:**

<sup>4</sup>Mandatory if maximum sentence which could be imposed for felony offense exceeds 20 years.

**District of Columbia:**

<sup>5</sup>There is no direct appeal of a guilty plea. However, review is possible from a "conditional plea" (reserving the right to review the adverse determination of specified pretrial motions).

**Florida:**

<sup>6</sup>Death penalty.

<sup>7</sup>Public Service Commission hears these appeals.

<sup>8</sup>No jurisdiction over the conviction but there is mandatory jurisdiction over the sentence after the guilty plea.

**Kentucky:**

<sup>9</sup>Mandatory jurisdiction if sentence is more than 20 years, life or death.

<sup>10</sup>Mandatory jurisdiction in capital cases.

**Maine:**

<sup>11</sup>Except extradition cases, which are discretionary.

<sup>12</sup>Except workers' compensation appeals, which are discretionary.

**Michigan:**

<sup>13</sup>This court has mandatory jurisdiction over judicial tenure commission matters where the commission has entered a disciplinary order.

**Montana:**

<sup>14</sup>Handled by a sentence review division.

**New Jersey:**

<sup>15</sup>Mandatory when there is a dissent in the Appellate Division or when substantial constitutional question of first impression is presented.

**New Mexico:**

<sup>16</sup>Original jurisdiction only in murder cases if life or death sentence imposed.

<sup>17</sup>Only from Public Regulatory Commission, not other administrative agencies.

**Oklahoma:**

<sup>18</sup>Includes cases assigned by the supreme court.

**Federal:**

<sup>19</sup>All petitions for writs of certiorari are discretionary. Appeals are mandatory, but constitute a small percentage of the caseload. 28 U.S.C. §§1251-1259.

<sup>20</sup>See 28 U.S.C. §§1291-1296 and the 1996 Prisoner Litigation Reform Act.

<sup>21</sup>Effective March 1, 1999, this is the U.S. Court of Appeals for Veterans Claims.

Decisions from this court are reviewed by the U.S. Court of Appeals for the federal circuit.

**Table 23. Structure of Panels Reviewing Discretionary Petitions**

| Court Type:<br>C=court of last resort<br>I=intermediate appellate court | Who Makes Decision on Granting Petitions?   |       |              |                 | Number Necessary to Grant Review |
|---|---|-------|--------------|-----------------|----------------------------------|
|   | En banc                                     | Panel | Commissioner | Single Justice  |                                  |
| <b>Alabama</b>  |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | No    | ~            | No              | 5                                |
| I Court of Criminal Appeals   | No discretionary jurisdiction               | ~     | ~            | ~               | ~                                |
| I Court of Civil Appeals  | No discretionary jurisdiction               | ~     | ~            | ~               | ~                                |
| <b>Alaska</b>   |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | ~            | No <sup>1</sup> | 3                                |
| I Court of Appeals  | Yes   | ~     | ~            | No <sup>1</sup> | 2                                |
| <b>Arizona</b>  |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | No           | No              | 3                                |
| I Court of Appeals  | No  | Yes   | ~            | No              | 2                                |
| <b>Arkansas</b>   |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | ~            | No              | 4                                |
| I Court of Appeals  | No discretionary jurisdiction               | ~     | ~            | ~               | ~                                |
| <b>California</b>   |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | No           | No <sup>4</sup> | 4                                |
| I Courts of Appeal  | No  | Yes   | No           | No <sup>4</sup> | 2                                |
| <b>Colorado</b>   |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | ~            | No              | 3                                |
| I Court of Appeals  | No discretionary jurisdiction               | ~     | ~            | ~               | ~                                |
| <b>Connecticut</b>  |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | No    | ~            | No              | 3                                |
| I Appellate Court   | Yes   | No    | ~            | No              | 2                                |
| <b>Delaware</b>   |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | Yes   | ~            | No              | 3                                |
| <b>District of Columbia</b>   |   |       |              |                 |                                  |
| C Court of Appeals  | No  | Yes   | ~            | No              | 1 or 2 <sup>8</sup>              |
| <b>Florida</b>  |   |       |              |                 |                                  |
| C Supreme Court   | No  | Yes   | ~            | No              | 4                                |
| I District Courts of Appeal   | No  | Yes   | ~            | No              | 2                                |
| <b>Georgia</b>  |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | ~            | No              | 4                                |
| I Court of Appeals  | No  | Yes   | ~            | No              | 1                                |
| <b>Hawaii</b>   |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | ~            | No              | 3                                |
| I Court of Appeals  | No <sup>10</sup>                            | 3     | ~            | No              | 2                                |
| <b>Idaho</b>  |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | ~            | No              | 3                                |
| I Court of Appeals  | No discretionary jurisdiction <sup>11</sup> | ~     | ~            | ~               | ~                                |
| <b>Illinois</b>   |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | ~            | No              | 4                                |
| I Appellate Court   | No  | Yes   | ~            | No              | 2                                |
| <b>Indiana</b>  |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | No           | No              | 3                                |
| I Court of Appeals  | No  | Yes   | No           | No              | 2                                |
| I Tax Court   | No discretionary jurisdiction               | ~     | ~            | ~               | ~                                |
| <b>Iowa</b>   |   |       |              |                 |                                  |
| C Supreme Court   | No  | Yes   | ~            | No              | 2                                |
| I Court of Appeals  | No discretionary jurisdiction               | ~     | ~            | ~               | ~                                |
| <b>Kansas</b>   |   |       |              |                 |                                  |
| C Supreme Court   | Yes   | ~     | ~            | No              | 3                                |
| I Court of Appeals  | No  | Yes   | ~            | No              | 3                                |



**Table 23. Structure of Panels Reviewing Discretionary Petitions**

|                             | Number Deciding Whether to Grant Review | Structure of Panels          |                 |                                  |                                  |
|-----------------------------|---|------------------------------|-----------------|----------------------------------|----------------------------------|
|                             |   | Number of Panels             | Size of Panels  | Permanent or Rotating Membership | Frequency of Membership Rotation |
| <b>Alabama</b>              |   |                              |                 |                                  |                                  |
| Supreme Court               | 9                                       | 2                            | 5               | Permanent                        | ~                                |
| Court of Criminal Appeals   | ~                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Civil Appeals      | ~                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| <b>Alaska</b>               |   |                              |                 |                                  |                                  |
| Supreme Court               | 5                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals            | 3                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| <b>Arizona</b>              |   |                              |                 |                                  |                                  |
| Supreme Court               | 5                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals            | 3                                       | 7 <sup>2</sup>               | 3               | Rotating                         | 3 times/yr                       |
| <b>Arkansas</b>             |   |                              |                 |                                  |                                  |
| Supreme Court               | ~                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals            | ~                                       | 4                            | 3               | Rotating                         | ~ <sup>3</sup>                   |
| <b>California</b>           |   |                              |                 |                                  |                                  |
| Supreme Court               | 7                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Courts of Appeal            | 3                                       | Varies                       | 3               | <sup>5</sup>                     | Case/calendar                    |
| <b>Colorado</b>             |   |                              |                 |                                  |                                  |
| Supreme Court               | 3                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals            | ~                                       | 3 <sup>6</sup>               | 3               | Rotating                         | 3 times/yr                       |
| <b>Connecticut</b>          |   |                              |                 |                                  |                                  |
| Supreme Court               | 7                                       | 1                            | 5               | Rotating                         | Daily                            |
| Appellate Court             | 9                                       | 3                            | 3 <sup>7</sup>  | Rotating                         | Daily                            |
| <b>Delaware</b>             |   |                              |                 |                                  |                                  |
| Supreme Court               | 3                                       | 10                           | 3               | Rotating                         | By case                          |
| <b>District of Columbia</b> |   |                              |                 |                                  |                                  |
| Court of Appeals            | 3                                       | Varies                       | 3               | Rotating                         | Half-day                         |
| <b>Florida</b>              |   |                              |                 |                                  |                                  |
| Supreme Court               | 5                                       | Varies <sup>9</sup>          | ~               | Rotating                         | ~                                |
| District Courts of Appeal   | 3                                       | Varies                       | 3               | Rotating                         | Varies                           |
| <b>Georgia</b>              |   |                              |                 |                                  |                                  |
| Supreme Court               | 7                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals            | 3                                       | 3                            | 3               | Rotating                         | Yearly                           |
| <b>Hawaii</b>               |   |                              |                 |                                  |                                  |
| Supreme Court               | 5                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals            | 3                                       | Varies                       | 3               | Rotating                         | Varies                           |
| <b>Idaho</b>                |   |                              |                 |                                  |                                  |
| Supreme Court               | 5                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals            | ~                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| <b>Illinois</b>             |   |                              |                 |                                  |                                  |
| Supreme Court               | 7                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Appellate Court             | 3                                       | Varies                       | 3 <sup>12</sup> | Rotating                         | By case <sup>13</sup>            |
| <b>Indiana</b>              |   |                              |                 |                                  |                                  |
| Supreme Court               | 5                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals            | 3                                       | 5                            | 3               | Permanent                        | ~                                |
| Tax Court                   | ~                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| <b>Iowa</b>                 |   |                              |                 |                                  |                                  |
| Supreme Court               | 3                                       | 2                            | 5 <sup>14</sup> | Rotating                         | Monthly                          |
| Court of Appeals            | ~                                       | 2                            | 3               | Rotating                         | Monthly                          |
| <b>Kansas</b>               |   |                              |                 |                                  |                                  |
| Supreme Court               | 7                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals            | 3                                       | 3 or 4 <sup>15</sup>         | 3               | Rotating                         | ~ <sup>16</sup>                  |

**Table 23. Structure of Panels Reviewing Discretionary Petitions**

| Court Type:<br>C=court of last resort<br>I=intermediate appellate court | Who Makes Decision on Granting Petitions? |                   |              |                   | Number Necessary to Grant Review |
|---|---|-------------------|--------------|-------------------|----------------------------------|
|   | En banc                                   | Panel             | Commissioner | Single Justice    |                                  |
| <b>Kentucky</b>   |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~            | No                | 4                                |
| I Court of Appeals  | No  | Yes               | ~            | No                | 2                                |
| <b>Louisiana</b>  |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~            | No                | 4                                |
| I Courts of Appeal  | No  | Yes               | ~            | No                | 2                                |
| <b>Maine</b>  |   |                   |              |                   |                                  |
| C Supreme Judicial Court  | Yes                                       | Yes <sup>18</sup> | ~            | No                | Varies                           |
| <b>Maryland</b>   |   |                   |              |                   |                                  |
| C Court of Appeals  | Yes                                       | ~                 | ~            | No                | 3                                |
| I Court of Special Appeals  | No  | Yes               | ~            | Yes               | Varies                           |
| <b>Massachusetts</b>  |   |                   |              |                   |                                  |
| C Supreme Judicial Court  | Yes                                       | ~                 | ~            | No                | 2 or 3 <sup>19</sup>             |
| I Appeals Court   | No  | No                | ~            | Yes               | 1                                |
| <b>Michigan</b>   |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | No           | No                | 4                                |
| I Court of Appeals  | No  | Yes               | No           | No                | 2                                |
| <b>Minnesota</b>  |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | No                | No           | No                | 3                                |
| I Court of Appeals  | No  | Yes               | ~            | No                | 2                                |
| <b>Mississippi</b>  |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | Yes <sup>20</sup> | ~            | Yes <sup>20</sup> | Varies                           |
| I Court of Appeals  | No  | ~                 | ~            | ~                 | ~                                |
| <b>Missouri</b>   |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~            | No                | 4                                |
| I Court of Appeals  | No discretionary jurisdiction             | ~                 | ~            | ~                 | ~                                |
| <b>Montana</b>  |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~            | No                | 4                                |
| <b>Nebraska</b>   |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | No                | ~            | No                | 4                                |
| I Court of Appeals  | No  | Yes               | ~            | No                | 2                                |
| <b>Nevada</b>   |   |                   |              |                   |                                  |
| C Supreme Court   | No discretionary jurisdiction             | ~                 | ~            | ~                 | ~                                |
| <b>New Hampshire</b>  |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~            | No                | 1                                |
| <b>New Jersey</b>   |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~            | No                | 3                                |
| I Superior Court, Appellate Division                                    | No  | Yes <sup>24</sup> | No           | No                | 2 <sup>24</sup>                  |
| <b>New Mexico</b>   |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | No                | ~            | No                | ~                                |
| I Court of Appeals  | No  | No                | No           | Yes <sup>26</sup> | 1 <sup>26</sup>                  |
| <b>New York</b>   |   |                   |              |                   |                                  |
| C Court of Appeals  | Yes                                       | ~                 | ~            | Yes <sup>27</sup> | 2(civil)                         |
| I Supreme Court, Appellate Divisions                                    | No  | Yes               | ~            | No                | 3                                |
| <b>North Carolina</b>   |   |                   |              |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~            | No                | 3                                |
| I Court of Appeals  | No  | Yes               | ~            | No                | 2                                |
| <b>North Dakota</b>   |   |                   |              |                   |                                  |
| C Supreme Court   | No discretionary jurisdiction             | ~                 | ~            | ~                 | ~                                |

**Table 23. Structure of Panels Reviewing Discretionary Petitions**

|                                    | Number Deciding Whether to Grant Review | Structure of Panels          |                 |                                  |                                  |
|------------------------------------|---|------------------------------|-----------------|----------------------------------|----------------------------------|
|                                    |   | Number of Panels             | Size of Panels  | Permanent or Rotating Membership | Frequency of Membership Rotation |
| <b>Kentucky</b>                    |   |                              |                 |                                  |                                  |
| Supreme Court                      | 4                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals                   | 3                                       | 4                            | 3               | Rotating                         | Monthly                          |
| <b>Louisiana</b>                   |   |                              |                 |                                  |                                  |
| Supreme Court                      | 7                                       | Varies <sup>17</sup>         | 7               | Rotating                         | 6-7 weeks                        |
| Courts of Appeal                   | 3                                       | Varies <sup>17</sup>         | 3 or 5          | Rotating                         | Monthly                          |
| <b>Maine</b>                       |   |                              |                 |                                  |                                  |
| Supreme Judicial Court             | Varies                                  | Court does not sit in panels | ~               | ~                                | ~                                |
| <b>Maryland</b>                    |   |                              |                 |                                  |                                  |
| Court of Appeals                   | 7                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Special Appeals           | Varies                                  | Varies                       | 3               | Rotating                         | Varies                           |
| <b>Massachusetts</b>               |   |                              |                 |                                  |                                  |
| Supreme Judicial Court             | 7                                       | 1                            | 7               | Rotating                         | Monthly                          |
| Appeals Court                      | 1                                       | 5                            | 3               | Rotating                         | Monthly                          |
| <b>Michigan</b>                    |   |                              |                 |                                  |                                  |
| Supreme Court                      | 7                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals                   | 3                                       | 9                            | 3               | Rotating                         | Monthly                          |
| <b>Minnesota</b>                   |   |                              |                 |                                  |                                  |
| Supreme Court                      | 7                                       | Varies                       | 3               | Rotating                         | Monthly                          |
| Court of Appeals                   | 3                                       | 4                            | 3               | Rotating                         | Monthly                          |
| <b>Mississippi</b>                 |   |                              |                 |                                  |                                  |
| Supreme Court                      | Varies                                  | 3                            | 3               | Rotating                         | Every 6 weeks                    |
| Court of Appeals                   | Varies                                  | 3                            | 3               | Rotating                         | Every 6 weeks                    |
| <b>Missouri</b>                    |   |                              |                 |                                  |                                  |
| Supreme Court                      | 7                                       | Court does not sit in panels | ~ <sup>22</sup> | ~                                | ~ <sup>23</sup>                  |
| Court of Appeals                   | ~                                       | ~ <sup>21</sup>              |                 | Rotating                         |                                  |
| <b>Montana</b>                     |   |                              |                 |                                  |                                  |
| Supreme Court                      | 7                                       | 2                            | 5               | Rotating                         | By case                          |
| <b>Nebraska</b>                    |   |                              |                 |                                  |                                  |
| Supreme Court                      | 7                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals                   | 3                                       | 2                            | 3               | Rotating                         | 3 Months                         |
| <b>Nevada</b>                      |   |                              |                 |                                  |                                  |
| Supreme Court                      | ~                                       | 2                            | 3               | Rotating                         | 6 Months                         |
| <b>New Hampshire</b>               |   |                              |                 |                                  |                                  |
| Supreme Court                      | 5                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| <b>New Jersey</b>                  |   |                              |                 |                                  |                                  |
| Supreme Court                      | 5                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Superior Court, Appellate Division | 2 <sup>24</sup>                         | 7 parts of 4 judges          | 2-3             | Rotating                         | ~ <sup>25</sup>                  |
| <b>New Mexico</b>                  |   |                              |                 |                                  |                                  |
| Supreme Court                      | 3                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals                   | 1 <sup>26</sup>                         | Varies                       | 3               | Rotating                         | By case                          |
| <b>New York</b>                    |   |                              |                 |                                  |                                  |
| Court of Appeals                   | 7 (civil)                               | Court does not sit in panels | ~               | ~                                | ~                                |
| Supreme Court, Appellate Divisions | 4 or 5 <sup>28</sup>                    | Varies                       | ~ <sup>29</sup> | Rotating                         | Daily                            |
| <b>North Carolina</b>              |   |                              |                 |                                  |                                  |
| Supreme Court                      | 7                                       | Court does not sit in panels | ~               | ~                                | ~                                |
| Court of Appeals                   | 3                                       | 4                            | 3               | Rotating                         | Every 3rd week                   |
| <b>North Dakota</b>                |   |                              |                 |                                  |                                  |
| Supreme Court                      | ~                                       | Court does not sit in panels | ~               | ~                                | ~                                |

**Table 23. Structure of Panels Reviewing Discretionary Petitions**

| Court Type:<br>C=court of last resort<br>I=intermediate appellate court | Who Makes Decision on Granting Petitions? |                   |                   |                   | Number Necessary to Grant Review |
|---|---|-------------------|-------------------|-------------------|----------------------------------|
|   | En banc                                   | Panel             | Commissioner      | Single Justice    |                                  |
| <b>Ohio</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 4                                |
| I Courts of Appeals   | No discretionary jurisdiction             | ~                 | ~                 | ~                 | ~                                |
| <b>Oklahoma</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | ~                 | 5                                |
| C Criminal Appeals  | Yes                                       | ~                 | ~                 | ~                 | 3                                |
| I Court of Appeals  | No discretionary jurisdiction             | ~                 | ~                 | ~                 | ~                                |
| <b>Oregon</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 3                                |
| I Court of Appeals  | ~   | ~                 | ~                 | ~                 | ~                                |
| <b>Pennsylvania</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 3                                |
| I Superior Court  | Yes                                       | Yes               | ~                 | No                | Majority                         |
| I Commonwealth Court  | Yes                                       | Yes               | ~                 | Yes               | No                               |
| <b>Puerto Rico</b>  |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | No                | ~                 | No                | 4                                |
| I Court of Appeals  | No  | Yes               | ~                 | No                | 2                                |
| <b>Rhode Island</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | No                | ~                 | No                | 1                                |
| <b>South Carolina</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 2                                |
| I Court of Appeals  | No discretionary jurisdiction             | ~                 | ~                 | ~                 | ~                                |
| <b>South Dakota</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 3                                |
| <b>Tennessee</b>  |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 2                                |
| I Court of Appeals  | No  | Yes               | ~                 | No                | 2                                |
| I Court of Criminal Appeals   | No  | Yes               | ~                 | No                | 2                                |
| <b>Texas</b>  |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 4                                |
| C Courts of Criminal Appeals  | Yes                                       | ~                 | ~                 | No                | 4                                |
| I Courts of Appeals   | No discretionary jurisdiction             | ~                 | ~                 | ~                 | ~                                |
| <b>Utah</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 3                                |
| I Court of Appeals  | No  | Yes               | ~                 | No                | 2                                |
| <b>Vermont</b>  |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 3                                |
| <b>Virginia</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | No  | Yes               | ~                 | Yes               | 1                                |
| I Court of Appeals  | No  | Yes               | ~                 | Yes               | 1                                |
| <b>Washington</b>   |   |                   |                   |                   |                                  |
| C Supreme Court   | No  | Yes <sup>34</sup> | Yes <sup>35</sup> | No                | 5                                |
| I Courts of Appeals   | No  | No                | Yes               | No                | 1                                |
| <b>West Virginia</b>  |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 3                                |
| <b>Wisconsin</b>  |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | No                | No                | 3-4 <sup>37</sup>                |
| I Court of Appeals  | No  | Yes <sup>38</sup> | ~                 | Yes <sup>39</sup> | 2                                |
| <b>Wyoming</b>  |   |                   |                   |                   |                                  |
| C Supreme Court   | Yes                                       | ~                 | ~                 | No                | 3                                |
| <b>Federal</b>  |   |                   |                   |                   |                                  |
| C U.S. Supreme Court  | Yes                                       | ~                 | ~                 | No                | 4                                |
| I U.S. Courts of Appeals  | Yes                                       | Yes               | ~                 | No                | 4 <sup>40</sup>                  |

**Table 23. Structure of Panels Reviewing Discretionary Petitions**

| States/Courts:            | Number Deciding Whether to Grant Review | Structure of Panels          |                |                                  |                                  |
|---------------------------|---|------------------------------|----------------|----------------------------------|----------------------------------|
|                           |   | Number of Panels             | Size of Panels | Permanent or Rotating Membership | Frequency of Membership Rotation |
| <b>Ohio</b>               |   |                              |                |                                  |                                  |
| Supreme Court             | 7                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Courts of Appeals         | ~                                       | Varies                       | 3              | Rotating                         | Weekly                           |
| <b>Oklahoma</b>           |   |                              |                |                                  |                                  |
| Supreme Court             | 9                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Criminal Appeals          | 5                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Court of Appeals          | ~                                       | 4                            | 3              | Rotating                         | Annually                         |
| <b>Oregon</b>             |   |                              |                |                                  |                                  |
| Supreme Court             | 7                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Court of Appeals          | ~                                       | 3                            | 3              | Rotating                         | <sup>30</sup>                    |
| <b>Pennsylvania</b>       |   |                              |                |                                  |                                  |
| Supreme Court             | 3                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Superior Court            | No                                      | Varies                       | 3              | Rotating <sup>31</sup>           | Discretionary                    |
| Commonwealth Court        | No                                      | Varies                       | 3              | Rotating                         | Discretionary                    |
| <b>Puerto Rico</b>        |   |                              |                |                                  |                                  |
| Supreme Court             | 4                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Court of Appeals          | 3                                       | 11                           | 3              | 3                                | Yearly                           |
| <b>Rhode Island</b>       |   |                              |                |                                  |                                  |
| Supreme Court             | 5                                       | 1                            | 3              | Rotating                         | Monthly                          |
| <b>South Carolina</b>     |   |                              |                |                                  |                                  |
| Supreme Court             | 5                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Court of Appeals          | ~                                       | 3                            | 3              | Rotating                         | <sup>32</sup>                    |
| <b>South Dakota</b>       |   |                              |                |                                  |                                  |
| Supreme Court             | 5                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| <b>Tennessee</b>          |   |                              |                |                                  |                                  |
| Supreme Court             | 5                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Court of Appeals          | 3                                       | 3                            | 3              | Permanent                        | ~                                |
| Court of Criminal Appeals | 3                                       | 3                            | 3              | Permanent                        | ~                                |
| <b>Texas</b>              |   |                              |                |                                  |                                  |
| Supreme Court             | 9                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Court of Criminal Appeals | 9                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Courts of Appeals         | –                                       | Varies                       | 3              | Rotating                         | Varies                           |
| <b>Utah</b>               |   |                              |                |                                  |                                  |
| Supreme Court             | 5                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Court of Appeals          | 3                                       | Varies                       | 3              | Rotating                         | Monthly                          |
| <b>Vermont</b>            |   |                              |                |                                  |                                  |
| Supreme Court             | 5                                       | <sup>33</sup>                | 3              | Rotating                         | Monthly                          |
| <b>Virginia</b>           |   |                              |                |                                  |                                  |
| Supreme Court             | 3                                       | 3                            | 3              | Permanent                        | ~                                |
| Court of Appeals          | 4                                       | Varies                       | 3              | Rotating                         | Varies                           |
| <b>Washington</b>         |   |                              |                |                                  |                                  |
| Supreme Court             | 5                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| Courts of Appeals         | 1 <sup>36</sup>                         | Varies                       | 3              | Rotating                         | Varies by division               |
| <b>West Virginia</b>      |   |                              |                |                                  |                                  |
| Supreme Court             | 5                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| <b>Wisconsin</b>          |   |                              |                |                                  |                                  |
| Supreme Court             | <sup>35</sup>                           | Court does not sit in panels | ~              | ~                                | ~                                |
| Court of Appeals          | 3                                       | 4                            | 3              | <sup>37</sup>                    | By case                          |
| <b>Wyoming</b>            |   |                              |                |                                  |                                  |
| Supreme Court             | 5                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| <b>Federal</b>            |   |                              |                |                                  |                                  |
| U.S. Supreme Court        | 9                                       | Court does not sit in panels | ~              | ~                                | ~                                |
| U.S. Courts of Appeals    | <sup>41</sup>                           | Varies                       | 3              | Rotating                         | Varies by circuit                |

**Table 23. Structure of Panels Reviewing Discretionary Petitions**

**FOOTNOTES:**

**Alaska:**

<sup>1</sup>Single justice or court of appeals judge makes recommendation to full court, which then votes en banc.

**Arizona:**

<sup>2</sup>Five in Division 1; two in Division 2.

**Arkansas:**

<sup>3</sup>Every four weeks during submissions.

**California:**

<sup>4</sup>Theoretically possible in habeas cases, but not done by single justice.

<sup>5</sup>Court of Appeals: Divisions of 3 judges are permanent; divisions of four or more rotate within division.

**Colorado:**

<sup>6</sup>Court of Appeals: The panels draft all opinions; then submit drafts to full court for final approval.

**Connecticut:**

<sup>7</sup>Appellate Court: five for motions, 9 for en banc.

**District of Columbia:**

<sup>8</sup>Usually one, two are necessary for interlocutory appeals only.

**Florida:**

<sup>9</sup>Oral arguments and merit panel are en banc. Five are on the original writ panel.

**Hawaii:**

<sup>10</sup>Discretionary jurisdiction only if assigned by Supreme Court.

**Idaho:**

<sup>11</sup>Court of Appeals: All cases are assigned to the court of appeals by the Supreme Court.

**Illinois:**

<sup>12</sup>Except for "Industrial Division" IAC, which is a panel of five.

<sup>13</sup>In Cook County there are six divisions of four judges each. They sit in rotating panels of three.

**Iowa:**

<sup>14</sup>Three-member panels screen cases and handle non-oral fast track cases.

**Kansas:**

<sup>15</sup>Court of Appeals: Panels may be supplemented by other judges from time to time, and the composition of a panel may vary from case to case.

<sup>16</sup>Chief judge designates as necessary; once every three weeks.

**Louisiana:**

<sup>17</sup>Use of panels ceases on 12/31/00 when Court reverts to seven justices.

**Maine:**

<sup>18</sup>Court sits in panel during sentence review cases only.

**Massachusetts:**

<sup>19</sup>Direct appellate review may be granted by two justices of the supreme judicial court or by a majority of justices of the appellate court. M.R.A.P. III. Further appellate review may be granted by three justices of the supreme judicial court or by a majority of the justices of the appeals court or by a majority of the justices of the appeals court deciding the case. M.R.A.P. 27.1.

**Mississippi:**

<sup>20</sup>Depending upon emergency nature of situation.

**Missouri:**

<sup>21</sup>Four in western district, five in eastern district, and two in southern district.

<sup>22</sup>Three in western and eastern districts; southern district has one three-member panel and one four-member panel.

<sup>23</sup>Yearly in eastern and southern districts; quarterly in western district.

**New Jersey:**

<sup>24</sup>Court of Appeals: Interlocutory appeals only. The presiding judge of a panel makes the final determination as to whether a matter will be decided by 2 or 3 judges.

<sup>25</sup>Yearly for parts; panels rotate by case.

**New Mexico:**

<sup>26</sup>For interlocutory appeals, one calendaring judge may grant review; to deny review, one judge must concur.

**New York:**

<sup>27</sup>Court of Appeals: a single judge grants review for criminal cases.

<sup>28</sup>Appellate Divisions of Supreme Court: varies by department.

<sup>29</sup>Appellate Divisions of Supreme Court: 4 in second divisions; 5 in first, third and fourth departments.

**Oregon:**

<sup>30</sup>At the discretion of the chief judge.

**Pennsylvania:**

<sup>31</sup>Appointed by the president judge.

**South Carolina:**

<sup>32</sup>At the discretion of the chief judge.

**Vermont:**

<sup>33</sup>On "fast track" cases.

**Washington:**

<sup>34</sup>Reviews on trial courts.

<sup>35</sup>Reviews from IAC

<sup>36</sup>At the IAC a commissioner rules on a motion for discretionary review.

**Wisconsin:**

<sup>37</sup>A commissioner makes a recommendation on review. If there is no objection during conference, the recommendation is accepted. If there is an objection to a petition for review, the court votes and three of the seven members must agree to grant review. If a justice who initially voted to grant review makes a motion to dismiss as improvidently granted, it is dismissed when at least four members agree to do so. Petitions to bypass and certification are granted by a vote of four.

<sup>38</sup>Either a panel of 3 or 1 judge may make the decision to grant or deny discretionary petitions for leave to leave appeal, determined by case type and interpreted through statute.

<sup>39</sup>Permanent in District 3. Judges in Districts 1, 2, and 4 rotate.

**Federal:**

<sup>40</sup>Requires majority of judges eligible to vote.

<sup>41</sup>Requires a majority to grant en banc review.

**Table 24. Clerks of Appellate Courts: Numbers and Method of Selection**

|                               | Number of Clerks | Method of Appointment                               | Term of Office | Minimum Qualifications  |
|-------------------------------|------------------|---|----------------|---|
| <b>Alabama</b>                |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | None stated   |
| Court of Criminal Appeals     | 1                | IAC   | At pleasure    | None stated   |
| Court of Civil Appeals        | 1                | IAC   | At pleasure    | None stated   |
| <b>Alaska</b>                 |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | Law degree, admittance to bar   |
| Court of Appeals              | (same as COLR)   |   |                |   |
| <b>Arizona</b>                |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | Law degree  |
| Court of Appeals              | 2                | IAC   | At pleasure    |   |
| <b>Arkansas</b>               |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | 6 years        | None stated   |
| Court of Appeals              | (same as COLR)   |   |                |   |
| <b>California</b>             |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | None stated   |
| Courts of Appeal              | 6                | IAC   | At pleasure    | Bachelor's Degree, six years management experience  |
| <b>Colorado</b>               |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | Law degree and judicial administration  |
| Court of Appeals              | 1                | IAC   | At pleasure    | Degree in business, public or judicial administration; 6 years' court administration experience; 2 years at supervisory level |
| <b>Connecticut</b>            |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | Law degree  |
| Appellate Court               | (same as COLR)   |   |                |   |
| <b>Delaware</b>               |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | None stated   |
| <b>District of Columbia</b>   |                  |   |                |   |
| Court of Appeals              | 1                | Executive officer subject to chief judge's approval | At pleasure    | Law degree and 10 years of legal and managerial experience  |
| <b>Florida</b>                |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | None stated   |
| District Courts of Appeal     | 5                | IAC   | At pleasure    | None stated   |
| <b>Georgia</b>                |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | 6 years        | Court's practice is to appoint attorney   |
| Court of Appeals              | 1 <sup>1</sup>   | IAC   | At pleasure    | Admittance to bar   |
| <b>Hawaii</b>                 |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | Civil service  | High school   |
| Intermediate Court of Appeals | (same as COLR)   |   |                |   |
| <b>Idaho</b>                  |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | None stated   |
| Court of Appeals              | (same as COLR)   |   |                |   |
| <b>Illinois</b>               |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | None stated   |
| Appellate Court               | 5                | IAC   | At pleasure    | None stated   |
| <b>Indiana</b>                |                  |   |                |   |
| Supreme Court                 | 1                | Popular election                                    | 4 years        | None stated   |
| Court of Appeals              | (same as COLR)   |   |                |   |
| Tax Court                     | (same as COLR)   |   |                |   |
| <b>Iowa</b>                   |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | At pleasure    | None stated   |
| Court of Appeals              | (same as COLR)   |   |                |   |
| <b>Kansas</b>                 |                  |   |                |   |
| Supreme Court                 | 1                | COLR  | 2 years        | Admittance to bar   |
| Court of Appeals              | (same as COLR)   |   |                |   |

**Table 24. Clerks of Appellate Courts: Numbers and Method of Selection**

|                                    | Number of Clerks | Method of Appointment | Term of Office | Minimum Qualifications   |
|------------------------------------|------------------|-----------------------|----------------|--|
| <b>Kentucky</b>                    |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | None stated  |
| Court of Appeals                   | 1                | IAC                   | At pleasure    | None stated  |
| <b>Louisiana</b>                   |                  |                       |                |  |
| Supreme Courts                     | 1                | COLR                  | At pleasure    | None stated  |
| Courts of Appeal                   | 5                | IAC                   | At pleasure    | None stated  |
| <b>Maine</b>                       |                  |                       |                |  |
| Supreme Judicial Court             | 1                | Tenure after 6 months | - <sup>2</sup> | Admittance to bar  |
| <b>Maryland</b>                    |                  |                       |                |  |
| Court of Appeals                   | 1                | COLR                  | At pleasure    | Admittance to bar  |
| Court of Special Appeals           | 1                | IAC                   | At pleasure    | Admittance to bar  |
| <b>Massachusetts</b>               |                  |                       |                |  |
| Supreme Judicial Court             | 2 <sup>3</sup>   | COLR                  | 5 years        | None stated  |
| Appeals Court                      | 1                | IAC                   | 5 years        | None stated  |
| <b>Michigan</b>                    |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | Law degree, admittance to bar  |
| Court of Appeals                   | 1                | IAC                   | At pleasure    | None stated  |
| <b>Minnesota</b>                   |                  |                       |                |  |
| Supreme Court                      | 1                | COLR, IAC             | At pleasure    | None stated  |
| Court of Appeals                   | (same as COLR)   |                       |                |  |
| <b>Mississippi</b>                 |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | None stated  |
| Court of Appeals                   | (same as COLR)   |                       |                |  |
| <b>Missouri</b>                    |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | No <sup>4</sup>  |
| Court of Appeals                   | 3                | IAC                   | At pleasure    | No <sup>4</sup>  |
| <b>Montana</b>                     |                  |                       |                |  |
| Supreme Court                      | 1                | Popular election      | 6 years        | None stated  |
| <b>Nebraska</b>                    |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | None stated  |
| Court of Appeals                   | (same as COLR)   |                       |                |  |
| <b>Nevada</b>                      |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | Law degree, admittance to bar, 21 years of age, state citizen 1 year                   |
| <b>New Hampshire</b>               |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | Law degree, admittance to bar  |
| <b>New Jersey</b>                  |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | Law degree, admittance to bar  |
| Superior Court, Appellate Division | 1                | COLR                  | At pleasure    | Law degree, admittance to bar  |
| <b>New Mexico</b>                  |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | Law degree, admittance to bar  |
| Court of Appeals                   | 1                | IAC                   | At pleasure    | Law degree, admittance to bar  |
| <b>New York</b>                    |                  |                       |                |  |
| Court of Appeals                   | 1                | COLR                  | At pleasure    | Admission to the NYS Bar and 10 years' relevant legal experience                       |
| Supreme Court, Appellate Divisions | 4                | IAC                   | At pleasure    | Admission to NY bar and 10 years' relevant legal experience                            |
| <b>North Carolina</b>              |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | Law degree, law experience.  |
| Court of Appeals                   | 1                | IAC                   | At pleasure    | Law degree   |
| <b>North Dakota</b>                |                  |                       |                |  |
| Supreme Court                      | 1                | COLR                  | At pleasure    | 4 years of college, law degree preferred, 4 years experience in court or legal setting |



**Table 24. Clerks of Appellate Courts: Numbers and Method of Selection**

|                               | Number of Clerks   | Method of Appointment   | Term of Office | Minimum Qualifications  |
|-------------------------------|--------------------|---|----------------|---|
| <b>Ohio</b>                   |                    |   |                |   |
| Supreme Court                 | 1                  | COLR  | At pleasure    | None stated   |
| Courts of Appeals             | 12 <sup>5</sup>    | Popular election  | 4 years        | None stated   |
| <b>Oklahoma</b>               |                    |   |                |   |
| Supreme Court                 | 1                  | COLR/IAC  | At pleasure    | Admittance to bar   |
| Court of Criminal Appeals     | (same as COLR)     |   |                |   |
| Court of Civil Appeals        | (same as COLR)     |   |                |   |
| <b>Oregon</b>                 |                    |   |                |   |
| Supreme Court                 | 1                  | Chief Justice   | At pleasure    | None stated   |
| Court of Appeals              | (same as COLR)     |   |                |   |
| <b>Pennsylvania</b>           |                    |   |                |   |
| Supreme Court                 | 1                  | COLR  | At pleasure    | Lawyer  |
| Superior Court                | 1                  | Presiding judge   | At pleasure    | Lawyer  |
| Commonwealth Court            | 1                  | Presiding Judge   | At pleasure    | Lawyer  |
| <b>Puerto Rico</b>            |                    |   |                |   |
| Supreme Court                 | 1                  | COLR  | At pleasure    | Admittance to bar   |
| Court of Appeals <sup>6</sup> | 1                  | IAC   | At pleasure    | Admittance to bar   |
| <b>Rhode Island</b>           |                    |   |                |   |
| Supreme Court                 | 1<br>(same as SCA) | Gubernatorial   | 5 years        | None stated   |
| <b>South Carolina</b>         |                    |   |                |   |
| Supreme Court                 | 1                  | COLR  | At pleasure    | None stated   |
| Court of Appeals              | 1                  | IAC   | At pleasure    | None stated   |
| <b>South Dakota</b>           |                    |   |                |   |
| Supreme Court                 | 1                  | COLR  | At pleasure    | None stated   |
| <b>Tennessee</b>              |                    |   |                |   |
| Supreme Court                 | 1 <sup>7</sup>     | COLR  | 6 years        | None stated   |
| Court of Appeals              | 1 <sup>8</sup>     |   |                |   |
| Court of Criminal Appeals     | 1 <sup>8</sup>     |   |                |   |
| <b>Texas</b>                  |                    |   |                |   |
| Supreme Court                 | 1                  | COLR  | 4 years        | None stated   |
| Court of Criminal Appeals     | 1                  | COLR  | 4 years        | None stated   |
| Courts of Appeals             | 14                 | IAC   | 4 years        | None stated   |
| <b>Utah</b>                   |                    |   |                |   |
| Supreme Court                 | 1                  | Appellate Court Administrator appoints with approval of Justices <sup>9</sup> | At pleasure    | 8 years of progressively responsible experience in court operations or bachelor's degree plus 4 years' experience in court operations |
| Court of Appeals              | 1                  | Appellate Court Administrator with approval of judges <sup>9</sup>            | At pleasure    | 8 years of progressively responsible experience in court operation or bachelor's degree plus 4 years' experience in court operation   |
| <b>Vermont</b>                |                    |   |                |   |
| Supreme Court                 | 1 <sup>10</sup>    | COLR  | At pleasure    | None stated   |
| <b>Virginia</b>               |                    |   |                |   |
| Supreme Court                 | 1                  | COLR  | At pleasure    | None stated   |
| Court of Appeals              | 1                  | IAC   | At pleasure    | None stated   |
| <b>Washington</b>             |                    |   |                |   |
| Supreme Court                 | 1                  | COLR  | At pleasure    | Admittance to bar   |
| Courts of Appeals             | 3                  | IAC   | At pleasure    | Bachelor's degree and 6 years experience or JD with 3 years experience  |
| <b>West Virginia</b>          |                    |   |                |   |
| Supreme Court of Appeals      | 1                  | COLR  | At pleasure    | None stated   |
| <b>Wisconsin</b>              |                    |   |                |   |
| Supreme Court                 | 1                  | COLR  | At pleasure    | College, 2 years' related experience  |
| Court of Appeals              | (same as COLR)     |   |                |   |

**Table 24. Clerks of Appellate Courts: Numbers and Method of Selection**

|                        | Number of Clerks | Method of Appointment | Term of Office | Minimum Qualifications |
|------------------------|------------------|-----------------------|----------------|------------------------|
| <b>Wyoming</b>         |                  |                       |                |                        |
| Supreme Court          | 1                | COLR                  | At pleasure    | None stated            |
| <b>Federal</b>         |                  |                       |                |                        |
| U.S. Supreme Court     | 1                | COLR                  | At pleasure    | 11                     |
| U.S. Courts of Appeals | 1 each           | IAC                   | At pleasure    |                        |

**FOOTNOTES:****Georgia:**

<sup>1</sup>Serves dual capacity—clerk/court administrator.

**Maine:**

<sup>2</sup>Subject to collective bargaining contract.

**Massachusetts:**

<sup>3</sup>There is a clerk of the Supreme Judicial Court (SJC) for the Commonwealth (appointed to a five-year term by the justices; the jurisdiction of the purely appellate function of the court comes under the Commonwealth Office) and a clerk of the SJC for Suffolk County (elected to a six-year term by the voters of Suffolk County; this office processes bar applications, bar disciplines and complaints which by statute come within the court's original jurisdiction of the court—concurrently, for the most part, with the trial court).

**Missouri:**

<sup>4</sup>The court's practice has been to appoint an attorney.

**Ohio:**

<sup>5</sup>Clerk of Common Pleas court is also clerk of the Court of Appeals.

**Puerto Rico:**

<sup>6</sup>The first intermediate appellate court of Puerto Rico was established November 1992, but was abolished in August 1993. Later, a Circuit Court of Appeals was established by law through the Judicial Branch's Reorganization Plan of July 28, 1994. It consists of 33 judges and is divided in 7 circuits.

**Tennessee:**

<sup>7</sup>COLR appoints one chief clerk for all those divisions (3) and three chief deputy clerks.

<sup>8</sup>COLR appoints three chief deputy clerks, one each in Knoxville, and Jackson, serving the COLR and IAC in that region.

**Utah:**

<sup>9</sup>Appellate court administrator must have a law degree and is selected by the state court administrator with concurrence of chief justice of COLR and presiding judge of the IAC.

**Vermont:**

<sup>10</sup>Same as state court administrator.

**Federal:**

<sup>11</sup>See 28 U.S.C. § 711.

**Table 25. Provisions of Law Clerks to Appellate Court Judges**

| Court type:<br>C=court of last resort<br>I=intermediate appellate court | Number of clerks for chief<br>justice/ judge | Number of clerks for each<br>associate justice/ judge | Number of central law<br>staff |
|---|--|---|--------------------------------|
| <b>Alabama</b>  |  |   |                                |
| C Supreme Court   | 3 <sup>1</sup>                               | 3 <sup>1</sup>  | 4                              |
| I Court of Criminal Appeals   | 4  | 4   | 1                              |
| I Court of Civil Appeals  | 3  | 3   | 0                              |
| <b>Alaska</b>   |  |   |                                |
| C Supreme Court   | 3  | 3   | 0                              |
| I Court of Appeals  | 2  | 2   | 2                              |
| <b>Arizona</b>  |  |   |                                |
| C Supreme Court   | 3  | 2   | 8 FTE                          |
| I Court of Appeals, Division 1  | 1  | 2   | 18                             |
| I Court of Appeals, Division 2  | 1  | 1.5   | 9                              |
| <b>Arkansas</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 0                              |
| I Court of Appeals  | 2  | 2   | 5                              |
| <b>California</b>   |  |   |                                |
| C Supreme Court   | 8  | 5   | 29                             |
| I Court of Appeals  | 2  | 2 <sup>2</sup>  | 3                              |
| <b>Colorado</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 1                              |
| I Court of Appeals  | 1  | 1   | 16                             |
| <b>Connecticut</b>  |  |   |                                |
| C Supreme Court   | 2  | 1.5   | 44 <sup>4</sup>                |
| I Appellate Court   | 2  | 1   | 44 <sup>4</sup>                |
| <b>Delaware</b>   |  |   |                                |
| C Supreme Court   | 1.5  | 1.5   | 2                              |
| <b>District of Columbia</b>   |  |   |                                |
| C Court of Appeals  | 3  | 2   | 8                              |
| <b>Florida</b>  |  |   |                                |
| C Supreme Court   | 3  | 2   | 6                              |
| I District Courts of Appeal   | 2  | 2   | 19 <sup>5</sup>                |
| <b>Georgia</b>  |  |   |                                |
| C Supreme Court   | 3  | 2   | 5                              |
| I Court of Appeals  | 3  | 3   | 5                              |
| <b>Hawaii</b>   |  |   |                                |
| C Supreme Court   | 3  | 2   | 5                              |
| I Intermediate Court of Appeals   | 2  | 2   | 0                              |
| <b>Idaho</b>  |  |   |                                |
| C Supreme Court   | 2  | 2   | 1                              |
| I Court of Appeals  | 2  | 2   | 1                              |
| <b>Illinois</b>   |  |   |                                |
| C Supreme Court   | 3  | 3   | 19 <sup>6</sup>                |
| I Appellate Court   | 2  | 2   | 88                             |
| <b>Indiana</b>  |  |   |                                |
| C Supreme Court   | 3  | 2   | 5                              |
| I Court of Appeals  | 3 <sup>7</sup>                               | 3 <sup>7</sup>  | 7                              |
| I Tax Court   | 3  | ~   | 0                              |
| <b>Iowa</b>   |  |   |                                |
| C Supreme Court   | 1  | 1   | 2                              |
| I Court of Appeals  | 1  | 1   | 2                              |
| <b>Kansas</b>   |  |   |                                |
| C Supreme Court   | 1  | 1   | 2                              |
| I Court of Appeals  | 1  | 1   | 13                             |
| <b>Kentucky</b>   |  |   |                                |
| C Supreme Court   | 1  | 1   | 7 <sup>8</sup>                 |
| I Court of Appeals  | 2  | 2   | 8                              |

**Table 25. Provisions of Law Clerks to Appellate Court Judges**

| Court type:<br>C=court of last resort<br>I=intermediate appellate court | Number of clerks for chief<br>justice/ judge | Number of clerks for each<br>associate justice/ judge | Number of central law<br>staff |
|---|--|---|--------------------------------|
| <b>Louisiana</b>  |  |   |                                |
| C Supreme Court   | 3 <sup>9</sup>                               | 3   | 14                             |
| I Courts of Appeal  | 3  | 2   | 55                             |
| <b>Maine</b>  |  |   |                                |
| C Supreme Judicial Court  | 2  | 1.5   | 1                              |
| <b>Maryland</b>   |  |   |                                |
| C Court of Appeals  | 2  | 2   | 0                              |
| I Court of Special Appeals  | 2  | 2   | 8                              |
| <b>Massachusetts</b>  |  |   |                                |
| C Supreme Judicial Court  | 2  | 2   | 20                             |
| I Appeals Court   | 2  | 1   | 18                             |
| <b>Michigan</b>   |  |   |                                |
| C Supreme Court   | 3  | 3   | 17                             |
| I Court of Appeals  | 1  | 1   | 80 <sup>10</sup>               |
| <b>Minnesota</b>  |  |   |                                |
| C Supreme Court   | 2  | 1.5   | 3                              |
| I Court of Appeals  | 2  | 2   | 15                             |
| <b>Mississippi</b>  |  |   |                                |
| C Supreme Court   | 2  | 2   | 8                              |
| I Court of Appeals  | 2  | 2   | 5                              |
| <b>Missouri</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 0                              |
| I Court of Appeals  | 2  | 2   | 2                              |
| <b>Montana</b>  |  |   |                                |
| C Supreme Court   | 2  | 2   | 14                             |
| <b>Nebraska</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 1                              |
| I Court of Appeals  | 2  | 2   | 1                              |
| <b>Nevada</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 19                             |
| <b>New Hampshire</b>  |  |   |                                |
| C Supreme Court   | 2  | 2   | 3                              |
| <b>New Jersey</b>   |  |   |                                |
| C Supreme Court   | 3  | 2-4 <sup>11</sup>                                     | 5                              |
| I Superior Court, Appellate Division                                    | 2  | 1   | 27                             |
| <b>New Mexico</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 0                              |
| I Court of Appeals  | 1  | 1   | 14                             |
| <b>New York</b>   |  |   |                                |
| C Court of Appeals  | 3  | 2   | 14 <sup>12</sup>               |
| I Appellate Divisions of Supreme Court                                  | 1  | 1   | 110 <sup>13</sup>              |
| <b>North Carolina</b>   |  |   |                                |
| C Supreme Court   | 3  | 2   | 0                              |
| I Court of Appeals  | 3  | 2   | 7                              |
| <b>North Dakota</b>   |  |   |                                |
| C Supreme Court   | 1  | 1   | 6                              |
| <b>Ohio</b>   |  |   |                                |
| C Supreme Court   | 3  | 3   | 10                             |
| I Court of Appeals  | 2  | 2   | Varies                         |
| <b>Oklahoma</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 5                              |
| C Court of Criminal Appeals   | 2  | 2   | 5                              |
| I Court of Appeals  | 2  | 2   | 1                              |

**Table 25. Provisions of Law Clerks to Appellate Court Judges**

| Court type:<br>C=court of last resort<br>I=intermediate appellate court | Number of clerks for chief<br>justice/ judge | Number of clerks for each<br>associate justice/ judge | Number of central law<br>staff |
|---|--|---|--------------------------------|
| <b>Oregon</b>   |  |   |                                |
| C Supreme Court   | 1  | 1   | 2                              |
| I Court of Appeals  | 1  | Varies <sup>14</sup>                                  | 7                              |
| <b>Pennsylvania</b>   |  |   |                                |
| C Supreme Court   | Varies                                       | Varies  | ~ <sup>15</sup>                |
| I Superior Court  | 5  | 4   | Varies                         |
| I Commonwealth Court  | 4  | 4   | Varies                         |
| <b>Puerto Rico</b>  |  |   |                                |
| C Supreme Court   | 4  | 3   | 10                             |
| I Court of Appeals  | 1  | ~   | 22                             |
| <b>Rhode Island</b>   |  |   |                                |
| C Supreme Court   | 3  | 2   | 6                              |
| <b>South Carolina</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 9                              |
| I Court of Appeals  | 2  | 2   | 5                              |
| <b>South Dakota</b>   |  |   |                                |
| C Supreme Court   | 1  | 1   | 3                              |
| <b>Tennessee</b>  |  |   |                                |
| C Supreme Court   | 2  | 2   | 8                              |
| I Court of Appeals  | 2  | 2   | 3                              |
| I Court of Criminal Appeals   | 2  | 2   | 3                              |
| <b>Texas</b>  |  |   |                                |
| C Supreme Court   | 3  | 3   | 0                              |
| C Court of Criminal Appeals   | 2  | 2   | 14                             |
| I Courts of Appeals   | 14 <sup>16</sup>                             | 80 <sup>16</sup>                                      | 110 <sup>17</sup>              |
| <b>Utah</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 2                              |
| I Court of Appeals  | 2  | 2   | 4                              |
| <b>Vermont</b>  |  |   |                                |
| C Supreme Court   | 2  | 1   | 2                              |
| <b>Virginia</b>   |  |   |                                |
| C Supreme Court   | 1  | 1   | 10 <sup>18</sup>               |
| I Court of Appeals  | 1  | 1   | 9                              |
| <b>Washington</b>   |  |   |                                |
| C Supreme Court   | 2  | 2   | 8                              |
| I Court of Appeals  | 2  | 2   | Varies <sup>19</sup>           |
| <b>West Virginia</b>  |  |   |                                |
| C Supreme Court of Appeals  | 3  | 3   | Varies <sup>20</sup>           |
| <b>Wisconsin</b>  |  |   |                                |
| C Supreme Court   | 1  | 1   | 4                              |
| I Court of Appeals  | 1  | 1   | 13                             |
| <b>Wyoming</b>  |  |   |                                |
| C Supreme Court   | 2  | 2   | 1                              |
| <b>Federal</b>  |  |   |                                |
| C US Supreme Court  | 4 <sup>21</sup>                              | 4 <sup>21</sup>                                       | 2 <sup>22</sup>                |
| I US Courts of Appeals  | 4  | 3 <sup>23</sup>                                       | Varies                         |
| I US Court of Appeals for Veterans<br>Claims                            | 2  | 2   | 7                              |

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## Table 25. Provisions of Law Clerks to Appellate Court Judges

### FOOTNOTES:

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**Alabama:**

<sup>1</sup>Justices may have three positions. No more than two can be staff attorneys. The remainder may be law clerks.

**California:**

<sup>2</sup>Pilot project in Fifth District with three per justice.

<sup>3</sup>Varies.

**Connecticut:**

<sup>4</sup>Includes twenty-six attorneys and eighteen paralegals. Staff is shared by COLR and IAC, except executive assistants (one in COLR and one in IAC).

**Florida:**

<sup>5</sup>This is the total number of central law staff for all five courts of appeal in Florida. The number varies by each court. In the Fourth District there are six.

**Illinois:**

<sup>6</sup>Seven attorneys for research department; ten attorneys for administrative office of courts; two attorneys for clerk's office.

**Indiana:**

<sup>7</sup>Judges may at their own discretion have more than three clerks.

**Kentucky:**

<sup>8</sup>One attorney serves as Supreme Court Administrator and general counsel.

**Louisiana:**

<sup>9</sup>In addition to an executive assistant that is an attorney.

**Michigan:**

<sup>10</sup>Court of appeals has forty temporary, thirty-two permanent, and eight supervisory.

**New Jersey:**

<sup>11</sup>One justice may have a fourth law clerk to work as one of two law clerks assigned to death penalty cases.

**New York:**

<sup>12</sup>Court of appeals has one Deputy Chief Court Attorney, eight senior court attorneys, and five court attorneys.

<sup>13</sup>Appellate Divisions have twenty-seven in First Department, sixteen in Third Department, and seventeen in Fourth Department.

**Oregon:**

<sup>14</sup>Sixteen total: seven justices have two clerks; two justices have one clerk.

**Pennsylvania:**

<sup>15</sup>Supreme court does not employ central staff attorneys.

**Texas:**

<sup>16</sup>Generally, one law clerk is assigned to the chief justice of each court of appeals, and one law clerk is assigned to each justice of each court of appeals.

<sup>17</sup>This is the total number of central law staff for all fourteen courts of appeals. The number of central law staff varies from court to court.

**Virginia:**

<sup>18</sup>Five are part-time employees.

**Washington:**

<sup>19</sup>Division I with ten judges has seven and one-half attorneys, division II with six judges has four, and division III with five judges has one. Duties vary.

**West Virginia:**

<sup>20</sup>Clerks screen applications but do not draft opinions or orders.

**Federal:**

<sup>21</sup>Not all justices have four; some have three.

<sup>22</sup>Not including law-trained research librarians.

<sup>23</sup>Court of appeals justices may elect to have four law clerks and one secretary or three law clerks and two secretaries.

**Table 26. Expediting Procedures in Appellate Courts**

| Court type:<br>C=court of last resort<br>I=intermediate appellate court | Use of Preargument Settlement Conference | Advance Queue (fast tracking) | Expedited Briefing Procedures | Use of Oral Argument in Lieu of Full Written Briefs | Submission on Briefs Alone   |
|---|--|-------------------------------|-------------------------------|---|------------------------------|
| <b>Alabama</b>  |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | Yes                           | Yes                           | No  | No                           |
| I Court of Criminal Appeals   | No                                       | No                            | Yes                           | No  | Yes                          |
| I Court of Civil Appeals  | No                                       | No                            | No                            | No  | No                           |
| <b>Alaska</b>   |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | Yes                           | Yes                           | No  | No                           |
| I Court of Appeals  | No                                       | Yes                           | No                            | No  | No                           |
| <b>Arizona</b>  |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | No                            | No                            | No  | 1                            |
| I Court of Appeals  | Yes <sup>2</sup>                         | Civil/criminal                | Civil                         | Civil   | Civil/criminal               |
| <b>Arkansas</b>   |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | No                            | Yes <sup>3</sup>              | No  | Yes                          |
| I Court of Appeals  | No                                       | No                            | No                            | No  | Yes                          |
| <b>California</b>   |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | No                            | No                            | No  | No                           |
| I Courts of Appeal  | Civil <sup>4</sup>                       | Yes <sup>4</sup>              | Civil/criminal <sup>5</sup>   | No  | Civil/criminal               |
| <b>Colorado</b>   |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | Yes                           | Yes                           | No  | No                           |
| I Court of Appeals  | Yes                                      | Upon request                  | Upon request <sup>6</sup>     | No  | No                           |
| <b>Connecticut</b>  |  |                               |                               |   |                              |
| C Supreme Court   | Civil                                    | Civil/criminal                | Civil/criminal                | No  | No                           |
| I Appellate Court   | Civil                                    | Civil/criminal                | Civil/criminal                | No  | Civil <sup>7</sup>           |
| <b>Delaware</b>   |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | No                            | No                            | No  | Yes                          |
| <b>District of Columbia</b>   |  |                               |                               |   |                              |
| C Court of Appeals  | No <sup>8</sup>                          | Yes <sup>8</sup>              | Yes <sup>8</sup>              | No  | Yes                          |
| <b>Florida</b>  |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | No                            | Yes                           | No  | Yes                          |
| I District Courts of Appeal   | No <sup>9</sup>                          | Yes                           | Yes                           | No  | Yes                          |
| <b>Georgia</b>  |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | No                            | Yes                           | No  | Yes                          |
| I Court of Appeals  | Civil                                    | No                            | No                            | No  | Yes                          |
| <b>Hawaii</b>   |  |                               |                               |   |                              |
| C Supreme Court   | Yes                                      | No                            | No                            | No  | Yes                          |
| I Intermediate Court of Appeals   | Yes                                      | No                            | No                            | No  | Yes                          |
| <b>Idaho</b>  |  |                               |                               |   |                              |
| C Supreme Court   | Yes                                      | No                            | Yes                           | No  | Yes                          |
| I Court of Appeals  | Yes                                      | No                            | No                            | No  | Yes                          |
| <b>Illinois</b>   |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | Yes                           | Yes                           | No  | Yes                          |
| I Appellate Court   | No                                       | Yes                           | Yes                           | No  | Yes                          |
| <b>Indiana</b>  |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | No                            | No                            | No  | No                           |
| I Court of Appeals  | No                                       | No                            | No                            | No  | No                           |
| I Tax Court   | No                                       | No                            | No                            | No  | No                           |
| <b>Iowa</b>   |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | Civil/criminal                | Yes                           | No  | Yes                          |
| I Court of Appeals  | No                                       | Civil/criminal                | Yes                           | No  | Yes                          |
| <b>Kansas</b>   |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | Yes                           | No                            | No  | Civil/criminal <sup>10</sup> |
| I Court of Appeals  | No                                       | Yes                           | Yes                           | No  | Civil/criminal <sup>10</sup> |
| <b>Kentucky</b>   |  |                               |                               |   |                              |
| C Supreme Court   | No                                       | No <sup>11</sup>              | Yes <sup>12</sup>             | No  | Yes                          |
| I Court of Appeals  | Civil                                    | Yes                           | No                            | No  | No                           |

**Table 26. Expediting Procedures in Appellate Courts**

| Court type:<br>C=court of last resort<br>I=intermediate appellate court | Use of Preargument<br>Settlement<br>Conference | Advance Queue<br>(fast tracking) | Expedited Briefing<br>Procedures                            | Use of Oral Argument<br>in Lieu of Full Written<br>Briefs | Submission on<br>Briefs Alone               |
|---|--|----------------------------------|---|---|---|
| <b>Louisiana</b>  |  |                                  |   |   |   |
| C Supreme Court   | No   | Civil/criminal <sup>13</sup>     | Civil/criminal  | No  | No <sup>13</sup>                            |
| I Courts of Appeal  | No   | Civil/criminal                   | Civil/criminal  | No  | Yes   |
| <b>Maine</b>  |  |                                  |   |   |   |
| C Supreme Judicial Court  | No   | No                               | Ad hoc basis  | No  | Civil/criminal                              |
| <b>Maryland</b>   |  |                                  |   |   |   |
| C Court of Appeals  | No   | No                               | No  | No  | No  |
| I Court of Special Appeals  | Civil  | Civil/criminal                   | Civil/criminal  | No  | Civil/criminal                              |
| <b>Massachusetts</b>  |  |                                  |   |   |   |
| C Supreme Judicial Court  | No   | No                               | No  | No  | No  |
| I Appeals Court   | Yes  | No                               | No  | No  | No  |
| <b>Michigan</b>   |  |                                  |   |   |   |
| C Supreme Court   | No <sup>14</sup>                               | No                               | No  | No  | No  |
| I Court of Appeals  | Yes <sup>15</sup>                              | Yes                              | Yes   | No  | Yes   |
| <b>Minnesota</b>  |  |                                  |   |   |   |
| C Supreme Court   | No   | No                               | No <sup>16</sup>  | No  | No  |
| I Court of Appeals  | No   | No                               | No  | No  | No  |
| <b>Mississippi</b>  |  |                                  |   |   |   |
| C Supreme Court   | Limited  | Yes                              | Limited   | No  | Yes   |
| I Court of Appeals  | No   | Yes                              | Limited   | No  | Yes   |
| <b>Missouri</b>   |  |                                  |   |   |   |
| C Supreme Court   | No   | <sup>17</sup>                    | <sup>18</sup>   | No  | If requested                                |
| I Court of Appeals  | Civil  | Civil/criminal                   | <sup>18</sup>   | No  | Civil/criminal                              |
| <b>Montana</b>  |  |                                  |   |   |   |
| C Supreme Court   | No   | No                               | No  | No  | No  |
| <b>Nebraska</b>   |  |                                  |   |   |   |
| C Supreme Court   | No   | No                               | No  | No  | If requested, and<br>criminal <sup>19</sup> |
| I Court of Appeals  | No   | Yes                              | No  | No  | If requested, and<br>criminal <sup>19</sup> |
| <b>Nevada</b>   |  |                                  |   |   |   |
| C Supreme Court   | Civil  | Yes                              | Capital<br>Child Custody<br>Criminal - Non life<br>sentence | No  | Civil/criminal                              |
| <b>New Hampshire</b>  |  |                                  |   |   |   |
| C Supreme Court   | Civil  | Yes <sup>20</sup>                | Civil   | No  | Civil/criminal                              |
| <b>New Jersey</b>   |  |                                  |   |   |   |
| C Supreme Court   | No   | Yes                              | No  | No  | No  |
| I Appellate Division of Superior Court                                  | Yes  | Yes                              | Yes   | Yes   | Yes   |
| <b>New Mexico</b>   |  |                                  |   |   |   |
| C Supreme Court   | No   | Yes <sup>21</sup>                | Yes <sup>21</sup>   | No  | Yes <sup>22</sup>                           |
| I Court of Appeals  | Civil  | Civil/criminal                   | Yes   | No  | Yes   |
| <b>New York</b>   |  |                                  |   |   |   |
| C Court of Appeals  | No   | Civil/criminal                   | Civil/criminal  | No  | Civil/criminal                              |
| I Appellate Divisions of Supreme<br>Court                               | Yes  | No                               | Criminal  | No  | Yes   |
| <b>North Carolina</b>   |  |                                  |   |   |   |
| C Supreme Court   | No   | Yes <sup>23</sup>                | Yes <sup>23</sup>   | No  | Civil/criminal <sup>23</sup>                |
| I Court of Appeals  | No   | Civil/criminal                   | No  | No  | Civil/criminal                              |
| <b>North Dakota</b>   |  |                                  |   |   |   |
| C Supreme Court   | No   | Yes <sup>24</sup>                | Yes   | No  | Yes   |



**Table 26. Expediting Procedures in Appellate Courts**

| Court type:<br>C=court of last resort<br>I=intermediate appellate court | Use of Preargument<br>Settlement<br>Conference | Advance Queue<br>(fast tracking) | Expedited Briefing<br>Procedures | Use of Oral Argument<br>in Lieu of Full Written<br>Briefs | Submission on<br>Briefs Alone |
|---|--|----------------------------------|----------------------------------|---|-------------------------------|
| <b>Ohio</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | No                               | Yes <sup>25</sup>                | No  | Yes                           |
| I Court of Appeals  | No   | Yes                              | Civil/criminal                   | No  | Civil/criminal                |
| <b>Oklahoma</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | Yes  | Yes                              | No                               | No  | Yes                           |
| C Court of Criminal Appeals   | No   | Yes                              | No                               | Yes   | No                            |
| I Court of Appeals  | No   | Yes                              | No                               | No  | Yes                           |
| <b>Oregon</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | Yes <sup>26</sup>                              | No                               | Civil                            | Civil   | Civil                         |
| I Court of Appeals  | Yes <sup>26</sup>                              | No                               | Limited Civil                    | No  | Yes                           |
| <b>Pennsylvania</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | Case-by-case basis               | Case-by-case basis               | No  | Yes                           |
| I Superior Court  | No   | Yes                              | No                               | No  | Yes                           |
| I Commonwealth Court  | Yes  | Yes                              | Yes                              | No  | Yes                           |
| <b>Puerto Rico</b>  |  |                                  |                                  |   |                               |
| C Supreme Court   | Civil/criminal                                 | Civil/criminal                   | Civil/criminal                   | Yes   | Civil/criminal                |
| I Court of Appeals  | No   | Yes                              | No                               | Yes   | No                            |
| <b>Rhode Island</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | Civil/criminal                                 | Civil/criminal                   | Civil/criminal                   | Yes   | Civil/criminal                |
| <b>South Carolina</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | No                               | No                               | No  | Civil/criminal                |
| I Court of Appeals  | No   | No                               | No                               | No  | Civil/criminal                |
| <b>South Dakota</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | No                               | No                               | No  | No                            |
| <b>Tennessee<sup>27</sup></b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | No                               | No                               | No  | No                            |
| I Court of Appeals  | No   | No                               | No                               | No  | No                            |
| I Court of Criminal Appeals   | No   | No                               | No                               | No  | No                            |
| <b>Texas</b>  |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | Yes                              | Yes                              | No  | Civil                         |
| C Court of Criminal Appeals   | No   | No                               | No                               | No  | Criminal                      |
| I Courts of Appeals   | Yes <sup>28</sup>                              | No                               | No                               | No  | Civil/criminal                |
| <b>Utah</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | No                               | No                               | No  | Yes                           |
| I Court of Appeals  | Yes  | No                               | No                               | No  | Yes                           |
| <b>Vermont</b>  |  |                                  |                                  |   |                               |
| C Supreme Court   | Yes  | Yes                              | Yes                              | Yes   | Civil/criminal                |
| <b>Virginia</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | No                               | No                               | No  | No                            |
| I Court of Appeals  | No   | No                               | No                               | No  | Yes                           |
| <b>Washington</b>   |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | No                               | No                               | No  | No                            |
| I Court of Appeals  | No   | Yes <sup>29</sup>                | No                               | No  | Yes                           |
| <b>West Virginia</b>  |  |                                  |                                  |   |                               |
| C Supreme Court of Appeals  | Yes <sup>30</sup>                              | Yes <sup>31</sup>                | Yes <sup>32</sup>                | No  | Yes <sup>31</sup>             |
| <b>Wisconsin</b>  |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | No                               | No                               | No  | No                            |
| I Court of Appeals  | No   | Civil <sup>33</sup>              | Civil <sup>33</sup>              | No  | Civil/criminal                |
| <b>Wyoming</b>  |  |                                  |                                  |   |                               |
| C Supreme Court   | No   | Yes                              | Yes                              | No  | Yes                           |
| <b>Federal</b>  |  |                                  |                                  |   |                               |
| C U.S. Supreme Court  | No   | No                               | Yes                              | No  | Yes <sup>34</sup>             |
| I U.S. Court of Appeals <sup>35</sup>                                   | Varies   | Varies                           | Varies                           | Varies  | Varies                        |

**Table 26. Expediting Procedures in Appellate Courts**

**FOOTNOTES**

**Arizona:**

<sup>1</sup>The supreme court may permit submission on briefs alone.  
<sup>2</sup>Division One.

**Arkansas:**

<sup>3</sup>By motion only.

**California:**

<sup>4</sup>Juvenile dependency.  
<sup>5</sup>Varies by district.

**Colorado:**

<sup>6</sup>Upon request per rules in right to die cases.

**Connecticut:**

<sup>7</sup>At court's discretion.

**District of Columbia:**

<sup>8</sup>Expedited scheduling may be ordered in individual cases. It may include shortened briefing deadlines and advancing an argument date.

**Florida:**

<sup>9</sup>Settlement conferences are used by the first district.

**Kansas:**

<sup>10</sup>Cases may be assigned to a summary calendar.

**Kentucky:**

<sup>11</sup>In cases in which parties request immediate relief, such is available upon the request.  
<sup>12</sup>Certain categories of appeals are expedited by statute, case law, or court policy. Expedition may consist of shortened briefing deadlines and advance querying.

**Louisiana:**

<sup>13</sup>Upon joint motion of all parties, a case may be submitted without oral argument.

**Michigan:**

<sup>14</sup>The court can curtail briefing schedules, or make other adjustments but do so as a routine matter.  
<sup>15</sup>Experimental.

**Minnesota:**

<sup>16</sup>Child custody and mental commitment.

**Missouri:**

<sup>17</sup>The court uses an advance queue if requested by the parties or on court's own motion.  
<sup>18</sup>The court uses expedited briefing procedures if request is by the parties or on court's own motion.

**Nebraska:**

<sup>19</sup>Where accused entered plea of guilty or no contest or where sole allegation of error is an excessive or excessively lenient sentence.

**New Hampshire:**

<sup>20</sup>Expedited oral argument is scheduled in interlocutory appeals, cases involving the status of a child, domestic violence appeals, and landlord/tenant cases. Others are on a case by case basis.

**New Mexico:**

<sup>21</sup>Only by court order in special circumstances.  
<sup>22</sup>Oral argument in civil and criminal only upon request of party and permission of court.

**North Carolina:**

<sup>23</sup>Occurs very rarely, and at the discretion of the court.

**North Dakota:**

<sup>24</sup>Clerk's office also uses a prescreening process to identify appeals that do not comply with the statutes or rules regarding appeals.

**Ohio:**

<sup>25</sup>Expedited briefing procedures are by order in election cases.

**Oregon:**

<sup>26</sup>Civil workers' compensation/domestic relations cases.

**Tennessee:**

<sup>27</sup>In worker's compensation cases presently fixed in the Western Division, the cases may be mediated. This was to be a pilot project for this division and the court is deciding on whether or not to continue it at the appellate level. When we first began the project in August of 1998, mediation was required unless otherwise ordered by our western Tennessee justice. It may, in the future, become an option inasmuch as the WC cases are mediated at the trial level.

**Texas:**

<sup>28</sup>Some courts.

**Washington:**

<sup>29</sup>By court rule the IAC must accelerate juvenile dependency and termination cases. The court also accelerates cases where the only issue on appeal is a sentence outside the guidelines. These are all initially decided by a commissioner. Also, commissioners decide motion on the merits cases affirming a trial court decision if the appeal is determined to be clearly without merit.

**West Virginia:**

<sup>30</sup>Some worker's compensation cases are settled through the court's mediation program.  
<sup>31</sup>Discretionary with supreme court (case-by-case basis).  
<sup>32</sup>Mandatory in workers' compensation cases; discretionary with supreme court in all other cases.

**Wisconsin:**

<sup>33</sup>Eliminated in criminal (only) as of 1/1/94.

**Federal:**

<sup>34</sup>Oral argument only in cases in which petition for writ of certiorari is granted.  
<sup>35</sup>The expedited procedures vary by circuit and are defined by the local rules of each court.

**Table 27. Special Calendars in Appellate Courts**

| Court type<br>(C=Court of Last Resort)<br>(I=Intermediate Court Of Appeals) | Special<br>Calendars | Types of Appeals on Calendars   |
|---|----------------------|---|
| <b>Alabama</b>  |                      |   |
| C Supreme Court   | ■                    | Extraordinary Writs   |
| I Court of Civil Appeals  |                      | ~   |
| I Court of Criminal Appeals   |                      | ~   |
| <b>Alaska</b>   |                      |   |
| C Supreme Court   | ~                    | ~   |
| I Court of Appeals  | ~                    | ~   |
| <b>Arizona</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  | ■                    | Workers' Compensation Appeals (clustered)   |
| <b>Arkansas</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>California</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  | ■                    | Juvenile Dependency Appeals (streamlined track)   |
| <b>Colorado</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>Connecticut</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| I Appellate Court   |                      | ~   |
| <b>Delaware</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| <b>District of Columbia</b>   |                      |   |
| C Court of Appeals  |                      | ~   |
| <b>Florida</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| I District Courts of Appeal   | ■                    | Original Writs  |
| <b>Georgia</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>Hawaii</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Intermediate Court of Appeals   |                      | ~   |
| <b>Idaho</b>  |                      |   |
| C Supreme Court   | ■                    | Adoption, Parent-Child Termination, Child Custody   |
| I Court of Appeals  | ■                    | Parent-Child Termination, Child Custody   |
| <b>Illinois</b>   |                      |   |
| C Supreme Court   | ■                    | Accelerated docket  |
| I Appellate Court   | ■                    | Accelerated docket  |
| <b>Indiana</b>  |                      |   |
| C Supreme Court   | ■                    | Public Service Commission Appeals, Industrial Board of Indiana Appeals  |
| I Court of Appeals  |                      | ~   |
| I Tax Court   | ~                    | ~   |
| <b>Iowa</b>   |                      |   |
| C Supreme Court   | ■                    | Attorney Discipline, Adoption, Child Placement, Child Custody, Parent-Child Termination, Review of Court of Appeal's Opinions |
| I Court of Appeals  | ■                    | Adoption, Child Placement, Child Custody, Parent-Child Termination  |
| <b>Kansas</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  | ■                    | Fast Track Cases  |

**Table 27. Special Calendars in Appellate Courts**

| Court type<br>(C=Court of Last Resort)<br>(I=Intermediate Court Of Appeals) | Special<br>Calendars | Types of Appeals on Calendars   |
|---|----------------------|---|
| <b>Kentucky</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>Louisiana</b>  |                      |   |
| C Supreme Court   | ■                    | Attorney Discipline, Appeals in which state is a party  |
| I Courts of Appeal  | ■                    | Appeals in which state is a party, Post-Conviction Proceedings  |
| <b>Maine</b>  |                      |   |
| C Supreme Judicial Court  |                      | ~   |
| <b>Maryland</b>   |                      |   |
| C Court of Appeals  |                      | ~   |
| I Court of Special Appeals  |                      | ~   |
| <b>Massachusetts</b>  |                      |   |
| C Supreme Judicial Court  |                      | ~   |
| I Appeals Court   |                      | ~   |
| <b>Michigan</b>   |                      |   |
| C Supreme Court <sup>13</sup>   |                      | ~   |
| I Court of Appeals  | ~                    | Summary Calendar (routine cases without oral argument);<br>Conflict Panels (7 judges decide if 3-judge panel disagrees)                   |
| <b>Minnesota</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>Mississippi</b>  |                      |   |
| C Supreme Court   | ~                    | ~   |
| I Court of Appeals  |                      |   |
| <b>Missouri</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>Montana</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| <b>Nebraska</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>Nevada</b>   |                      |   |
| C Supreme Court   | ■                    | Child Custody, Capital Criminal Appeals and Direct Appeals in criminal cases with less than life sentence.                                |
| <b>New Hampshire</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| <b>New Jersey</b>   |                      |   |
| C Supreme Court <sup>15</sup>   |                      | ~   |
| I Appellate Division of Superior Court                                      | ■                    | Defined Sentencing Issues Appeals (oral argument calendars, considered without briefs but with transcript and court record)               |
| <b>New Mexico</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  | ■                    | (1) Expedited Bench Decisions - oral argument held soon after briefing - decision made from bench (2) Summary calendar (3) Legal calendar |
| <b>New York</b>   |                      |   |
| C Court of Appeals  | ■                    | Election Matters (Motions and Appeals Calendar)   |
| I Appellate Division of Superior Court                                      | ■                    | Sentencing Appeals, Election Laws   |
| I Appellate Terms of Superior Court   | ■                    | Incarcerated Appellants   |
| <b>North Carolina</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |

**Table 27. Special Calendars in Appellate Courts**

| Court type<br>(C=Court of Last Resort)<br>(I=Intermediate Court Of Appeals) | Special<br>Calendars | Types of Appeals on Calendars   |
|---|----------------------|---|
| <b>North Dakota</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| <b>Ohio</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  | ■                    | Accelerated Calendar (no casetype specific)                           |
| <b>Oklahoma</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| C Court of Criminal Appeals   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>Oregon</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  | ■                    | Land Use Board of Appeal, Termination of Parental Rights              |
| <b>Pennsylvania</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Superior Court  |                      | ~   |
| I Commonwealth Court  |                      | ~   |
| <b>Puerto Rico</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| I Circuit Court of Appeals  |                      | ~   |
| <b>Rhode Island</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| <b>South Carolina</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>South Dakota</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| <b>Tennessee</b>  |                      |   |
| C Supreme Court   | ■                    | Workers' Compensation Appeals (by three-judge panel of senior judges) |
| I Court of Appeals  |                      | ~   |
| I Court of Criminal Appeals   |                      | ~   |
| <b>Texas</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| C Court of Criminal Appeals   |                      | ~   |
| I Courts of Appeal  |                      | ~   |
| <b>Utah</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>Vermont</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| <b>Virginia</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>Washington</b>   |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |
| <b>West Virginia</b>  |                      |   |
| C Supreme Court of Appeals  | ■                    | Workers' Compensation   |
| <b>Wisconsin</b>  |                      |   |
| C Supreme Court   |                      | ~   |
| I Court of Appeals  |                      | ~   |

**Table 27. Special Calendars in Appellate Courts**

| Court type<br>(C=Court of Last Resort)<br>(I=Intermediate Court Of Appeals) | Special<br>Calendars | Types of Appeals on Calendars |
|---|----------------------|-------------------------------|
| <b>Wyoming</b>  |                      |                               |
| C Supreme Court   |                      | ~                             |
| <b>Federal</b>  |                      |                               |
| C US Supreme Court  |                      |                               |
| I US Courts of Appeals  |                      |                               |
| I US Court of Veterans Appeals  |                      |                               |

**Table 28. Limitations on Oral Argument in Appellate Courts**

|                               | Limitations on Oral Arguments in Civil Cases? | Limitations on Oral Arguments in Criminal Cases? | Reasoned Opinions Required in Appellate Court Decisions? |
|-------------------------------|---|--|--|
| <b>Alabama</b>                |   |  |  |
| Supreme Court                 | ■   | ■  |  |
| Court of Criminal Appeals     | NJ  | ■  | ■  |
| Court of Civil Appeals        | ■   | NJ   |  |
| <b>Alaska</b>                 |   |  |  |
| Supreme Court                 | ■ <sup>1</sup>                                | ■  | ■  |
| Court of Appeals              | ■   | ■  | ~  |
| <b>Arizona</b>                |   |  |  |
| Supreme Court                 | ■   | ■  | ■  |
| Court of Appeals              | ■   | ■  | ■  |
| <b>Arkansas</b>               |   |  |  |
| Supreme Court                 |   |  |  |
| Court of Appeals              |   |  |  |
| <b>California</b>             |   |  |  |
| Supreme Court                 |   |  | ■  |
| Courts of Appeal              | Varies <sup>2</sup>                           | Varies <sup>2</sup>                              | ■  |
| <b>Colorado</b>               |   |  |  |
| Supreme Court                 | ■   | ■  |  |
| Court of Appeals              | ■   | ■  |  |
| <b>Connecticut</b>            |   |  |  |
| Supreme Court                 |   |  |  |
| Appellate Court               | ■   | ■  |  |
| <b>Delaware</b>               |   |  |  |
| Supreme Court                 | ■   | ■  |  |
| <b>District of Columbia</b>   |   |  |  |
| Court of Appeals              | ■   | ■  |  |
| <b>Florida</b>                |   |  |  |
| Supreme Court                 | ■   | ■  |  |
| District Courts of Appeal     | ■   | ■  |  |
| <b>Georgia</b>                |   |  |  |
| Supreme Court                 | ■ <sup>3</sup>                                | ■  |  |
| Court of Appeals              | ■   | ■  |  |
| <b>Hawaii</b>                 |   |  |  |
| Supreme Court                 |   |  |  |
| Intermediate Court of Appeals |   |  |  |
| <b>Idaho</b>                  |   |  |  |
| Supreme Court                 | ■   | ■  | ■  |
| Court of Appeals              | ■   | ■  | ■  |
| <b>Illinois</b>               |   |  |  |
| Supreme Court                 | ■   | ■  | ■  |
| Appellate Court               | ■   | ■  | ■  |
| <b>Indiana</b>                |   |  |  |
| Supreme Court                 | ■   | ■  |  |
| Court of Appeals              | ■   | ■  |  |
| Tax Court                     | ~   | ~  | ~  |
| <b>Iowa</b>                   |   |  |  |
| Supreme Court                 | ■   | ■  | ■ <sup>4</sup>   |
| Court of Appeals              | ■   | ■  | ■ <sup>4</sup>   |
| <b>Kansas</b>                 |   |  |  |
| Supreme Court                 |   |  |  |
| Court of Appeals              |   |  |  |
| <b>Kentucky</b>               |   |  |  |
| Supreme Court                 |   |  |  |
| Court of Appeals              | ■   | ■  | ■  |

**Table 28. Limitations on Oral Argument in Appellate Courts**

|                                      | Limitations on Oral Arguments in Civil Cases? | Limitations on Oral Arguments in Criminal Cases? | Reasoned Opinions Required in Appellate Court Decisions? |
|--------------------------------------|---|--|--|
| <b>Louisiana</b>                     |   |  |  |
| Supreme Court                        | ■   | ■  | 5  |
| Courts of Appeal                     | ■   | ■  | 5  |
| <b>Maine</b>                         |   |  |  |
| Supreme Judicial Court               | ■   | ■  |  |
| <b>Maryland</b>                      |   |  |  |
| Court of Appeals                     |   |  | ■  |
| Court of Special Appeals             |   |  | ■  |
| <b>Massachusetts</b>                 |   |  |  |
| Supreme Judicial Court               |   |  | ■  |
| Appeals Court                        |   |  | ■  |
| <b>Michigan</b>                      |   |  |  |
| Supreme Court                        | ■   | ■ <sup>6</sup>                                   | ■  |
| Court of Appeals                     | ■   | ■  |  |
| <b>Minnesota</b>                     |   |  |  |
| Supreme Court                        | ■   | ■  |  |
| Court of Appeals                     | ■   | ■  | ■  |
| <b>Mississippi</b>                   |   |  |  |
| Supreme Court                        |   |  |  |
| <b>Missouri</b>                      |   |  |  |
| Supreme Court                        |   |  |  |
| Court of Appeals                     | ■ <sup>7</sup>                                | ■ <sup>7</sup>                                   |  |
| <b>Montana</b>                       |   |  |  |
| Supreme Court                        | ■   | ■  |  |
| <b>Nebraska</b>                      |   |  |  |
| Supreme Court                        |   |  |  |
| Court of Appeals                     |   |  |  |
| <b>Nevada</b>                        |   |  |  |
| Supreme Court                        | ■ <sup>8</sup>                                | ■ <sup>8</sup>                                   |  |
| <b>New Hampshire</b>                 |   |  |  |
| Supreme Court                        |   |  |  |
| <b>New Jersey</b>                    |   |  |  |
| Supreme Court                        |   |  |  |
| Appellate Division of Superior Court | ■   | ■  | 9  |
| <b>New Mexico</b>                    |   |  |  |
| Supreme Court                        | ■   | ■  |  |
| Court of Appeals                     | ■   | ■  |  |
| <b>New York</b>                      |   |  |  |
| Court of Appeals                     | ■   | ■  | ■ <sup>10</sup>  |
| Appellate Divisions of Supreme Court | ■   | ■  | ■ <sup>10</sup>  |
| Appellate Terms of Supreme Court     |   |  | ■  |
| <b>North Carolina</b>                |   |  |  |
| Supreme Court                        | ■   | ■  |  |
| Court of Appeals                     | ■   | ■  |  |
| <b>North Dakota</b>                  |   |  |  |
| Supreme Court                        | ■ <sup>11</sup>                               | ■  | ■  |
| Court of Appeals                     | ■   | ■  | ■  |
| <b>Ohio</b>                          |   |  |  |
| Supreme Court                        |   |  | ■  |
| Court of Appeals                     |   | 12   | ■  |
| <b>Oklahoma</b>                      |   |  |  |
| Supreme Court                        | ■   | ~  |  |
| Court of Criminal Appeals            | ~   | ■  |  |
| Court of Appeals                     | ■   | ~  |  |

Legend: NJ=No jurisdiction, ~=Not applicable, ■=Yes



**Table 28. Limitations on Oral Argument in Appellate Courts**

|                                | Limitations on Oral Arguments in Civil Cases? | Limitations on Oral Arguments in Criminal Cases? | Reasoned Opinions Required in Appellate Court Decisions? |
|--------------------------------|---|--|--|
| <b>Oregon</b>                  |   |  |  |
| Supreme Court                  |   |  |  |
| Court of Appeals               | ■   | ■  |  |
| <b>Pennsylvania</b>            |   |  |  |
| Supreme Court                  |   | ■  |  |
| Superior Court                 |   | ■  |  |
| Commonwealth Court             | ■ <sup>13</sup>                               |  |  |
| <b>Puerto Rico</b>             |   |  |  |
| Supreme Court                  | ■   | ■  |  |
| Court of Appeals               | ■   | ■  | ■  |
| <b>Rhode Island</b>            |   |  |  |
| Supreme Court                  | ■   | ■  | ■  |
| <b>South Carolina</b>          |   |  |  |
| Supreme Court                  | ■   | ■  |  |
| Court of Appeals               | ■   | ■  | ■  |
| <b>South Dakota</b>            |   |  |  |
| Supreme Court                  | ■   | ■  |  |
| <b>Tennessee</b>               |   |  |  |
| Supreme Court                  |   |  | ■  |
| Court of Appeals               |   |  |  |
| Court of Criminal Appeals      | ■   | ■  |  |
| <b>Texas</b>                   |   |  |  |
| Supreme Court                  | ■   | ~  |  |
| Court of Criminal Appeal       | ~   | ■  |  |
| Courts of Appeals              | ■   | ■  | ■  |
| <b>Utah</b>                    |   |  |  |
| Supreme Court                  |   |  | 14   |
| Court of Appeals               | ■ <sup>15</sup>                               | ■ <sup>15</sup>                                  | 14   |
| <b>Vermont</b>                 |   |  |  |
| Supreme Court                  | ■   | ■  |  |
| <b>Virginia</b>                |   |  |  |
| Supreme Court                  |   |  |  |
| Court of Appeals               |   |  | ■  |
| <b>Washington</b>              |   |  |  |
| Supreme Court                  |   |  | ■  |
| Court of Appeals <sup>16</sup> |   |  | ■  |
| <b>West Virginia</b>           |   |  |  |
| Supreme Court of Appeals       |   |  |  |
| <b>Wisconsin</b>               |   |  |  |
| Supreme Court                  |   |  | ■  |
| Court of Appeals               | ■   | ■  | ■  |
| <b>Wyoming</b>                 |   |  |  |
| Supreme Court                  | ■   | ■  | ■  |
| <b>Federal</b>                 |   |  |  |
| Supreme Court                  | ■   | ■  |  |
| U.S. Courts of Appeal          | ■   | ■  |  |

**FOOTNOTES:**

**Alaska:**  
<sup>1</sup>Request must be made within ten days. Rule 213.

**Georgia:**  
<sup>3</sup>Oral arguments are mandatory in death penalty appeals.

**California:**  
<sup>2</sup>Limited to 30 minutes in 5<sup>th</sup> District

**Iowa:**  
<sup>4</sup>Required by court rule

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## Table 28. Limitations on Oral Argument in Appellate Courts

### Louisiana:

<sup>5</sup>No express requirement, but implicit (LSA-C.C.P. Art. 2167).

### Michigan:

<sup>6</sup>Oral argument is held where attorneys have preserved their right to argument; IAC may decide cases without argument per MCR 7.214(E).

### Missouri:

<sup>7</sup>Varies by district.

### Nevada:

<sup>8</sup>The court decides which case will be heard.

### New Jersey:

<sup>9</sup>Court rules require written opinion in sentencing, oral argument appeals, and appeals without merit.

### New York:

<sup>10</sup>A statute requires some statement of reason if the court reverses or modifies without opinion. The court's policy is to give some statement of reason in all cases.

### North Dakota:

<sup>11</sup>There are time limitations, as well as limitations of keeping to the record.

### Ohio:

<sup>12</sup>For prisoner appeals, oral argument is not held unless attorneys request and obtain the court's approval.

### Pennsylvania:

<sup>13</sup>10 minutes for panel, 15 minutes en banc

### Utah:

<sup>14</sup>Rules of appellate procedure require statement of reasons if the court reverses or modifies on appeal.

<sup>15</sup>The court decides which cases will be heard.

### Washington:

<sup>16</sup>Each division of the Court of Appeals determines the length of time for oral argument and whether or not it will hear argument. In some divisions a significant number of cases are decided without oral argument.

**Table 29. Type of Court Hearing Administrative Agency Appeals**

|                        | Medical Malpractice | Worker's Compensation | Public Service    | Unemployment Insurance | Public Welfare    | Insurance         | Tax Review         | Other Agencies        |
|------------------------|---------------------|-----------------------|-------------------|------------------------|-------------------|-------------------|--------------------|-----------------------|
| Alabama                | ~                   | ~                     | G                 | G                      | ~                 | G                 | G                  | G                     |
| Alaska                 | ~                   | G, then COLR          | G, then COLR      | G, then COLR           | G, then COLR      | G, then COLR      | G, then COLR       | G, then COLR          |
| Arizona                | ~                   | G/IAC/COLR            | G                 | IAC                    | G                 | G                 | G                  | G                     |
| Arkansas               | ~                   | IAC                   | IAC               | IAC                    | ~                 | ~                 | ~                  | G                     |
| California             | G                   | IAC                   | IAC/COLR          | G                      | G                 | G                 | G                  | G                     |
| Colorado               | ~                   | IAC                   | COLR              | IAC                    | IAC               | G                 | IAC                | ~                     |
| Connecticut            | ~                   | IAC                   | G                 | G                      | G                 | G                 | G                  | ~                     |
| Delaware               | G                   | G                     | G                 | G                      | G                 | G                 | G                  | G                     |
| District of Columbia   | COLR                | COLR                  | COLR              | COLR                   | COLR              | G                 | G                  | COLR <sup>1</sup> , G |
| Florida                | <sup>2</sup>        | IAC                   | IAC/COLR          | IAC                    | IAC <sup>3</sup>  | IAC               | IAC                | IAC                   |
| Georgia <sup>4</sup>   | G <sup>5</sup>      | G                     | G                 | G                      | G                 | G                 | G                  | G                     |
| Hawaii                 | COLR                | COLR <sup>6</sup>     | COLR <sup>6</sup> | G/COLR <sup>6</sup>    | G                 | G                 | <sup>7</sup>       | COLR <sup>6</sup>     |
| Idaho                  | <sup>8</sup>        | COLR                  | COLR              | COLR                   | G                 | G                 | G                  | G                     |
| Illinois               | ~                   | IAC                   | IAC               | G                      | G                 | G                 | G                  | IAC                   |
| Indiana                | G                   | IAC                   | IAC               | IAC                    | ~                 | ~                 | IAC <sup>9</sup>   | G                     |
| Iowa                   | ~                   | G                     | G                 | G                      | G                 | G                 | G                  | G                     |
| Kansas                 | G                   | IAC                   | G <sup>10</sup>   | G                      | G                 | G                 | G/IAC              | G/COLR                |
| Kentucky               | ~                   | IAC                   | G                 | G                      | G                 | G                 | G                  | G                     |
| Louisiana              | G                   | IAC                   | G/COLR            | G                      | ~                 | G                 | G                  | G/IAC                 |
| Maine                  | ~                   | COLR                  | COLR              | G                      | G                 | G                 | G                  | G                     |
| Maryland               | G                   | G                     | G                 | G                      | G                 | G                 | G                  | G                     |
| Massachusetts          | ~                   | IAC/COLR              | G                 | G                      | G                 | G                 | G                  | G                     |
| Michigan               | ~                   | L                     | L                 | L                      | L                 | L                 | L                  | L                     |
| Minnesota              | ~                   | COLR                  | IAC               | IAC                    | ~                 | ~                 | COLR               | ~                     |
| Mississippi            | G                   | G                     | COLR              | G                      | G                 | G                 | G                  | G                     |
| Missouri               | <sup>11</sup>       | G/IAC                 | G                 | IAC                    | G                 | G                 | G                  | G                     |
| Montana                | G                   | G                     | G                 | ~                      | ~                 | ~                 | G                  | G                     |
| Nebraska               | ~                   | IAC                   | IAC               | IAC                    | IAC               | ~                 | IAC                | IAC                   |
| Nevada                 | ~                   | G                     | G                 | G                      | G                 | G                 | G                  | G                     |
| New Hampshire          | ~                   | COLR                  | COLR              | COLR                   | <sup>12</sup>     | COLR              | COLR               | COLR                  |
| New Jersey             | ~                   | IAC <sup>13</sup>     | IAC <sup>13</sup> | IAC <sup>13</sup>      | IAC <sup>13</sup> | IAC <sup>13</sup> | L <sup>13,14</sup> | IAC <sup>13</sup>     |
| New Mexico             | ~                   | IAC                   | COLR              | IAC                    | IAC               | IAC               | IAC                | IAC                   |
| New York <sup>15</sup> | ~                   | IAC                   | IAC               | IAC                    | G                 | IAC               | G/IAC              | G/IAC                 |
| North Carolina         | ~                   | IAC                   | IAC               | G                      | IAC               | IAC               | IAC                | IAC <sup>16</sup>     |
| North Dakota           | ~                   | G                     | G                 | G                      | G                 | G                 | G                  | G                     |
| Ohio                   | ~                   | IAC/COLR              | IAC/COLR          | G                      | ~                 | ~                 | IAC/COLR           | ~                     |
| Oklahoma               | ~                   | <sup>17</sup>         | G or IAC/COLR     | G or IAC/COLR          | ~                 | G or COLR         | IAC/COLR           | ~                     |
| Oregon                 | ~                   | IAC                   | IAC               | IAC                    | IAC               | IAC               | COLR               | IAC                   |
| Pennsylvania           | COLR or IAC         | COLR or IAC           | COLR or IAC       | COLR or IAC            | COLR or IAC       | COLR or IAC       | COLR or IAC        | COLR or IAC           |
| Puerto Rico            | IAC                 | IAC                   | IAC               | IAC                    | IAC               | IAC               | IAC                | IAC                   |
| Rhode Island           | ~                   | COLR                  | COLR              | L                      | IAC               | G                 | L                  | G                     |
| South Carolina         | ~                   | G                     | G                 | G                      | G                 | G                 | G                  | G                     |
| South Dakota           | ~                   | G                     | G                 | G                      | G                 | G                 | G                  | G                     |
| Tennessee              | <sup>18</sup>       | G                     | IAC               | G                      | G                 | G                 | G                  | G                     |
| Texas                  | G                   | G or L                | G                 | G or L                 | ~                 | G                 | G                  | G                     |
| Utah                   | G                   | IAC                   | COLR              | IAC                    | G                 | G                 | G/COLR             | G/IAC/COLR            |
| Vermont                | G                   | COLR                  | COLR              | COLR                   | G                 | G                 | COLR               | COLR                  |
| Virginia               | G                   | IAC                   | G                 | G                      | G                 | COLR              | G                  | G or L                |
| Washington             | ~                   | <sup>19</sup>         | <sup>19</sup>     | <sup>19</sup>          | <sup>19</sup>     | <sup>19</sup>     | <sup>19</sup>      | <sup>19</sup>         |
| West Virginia          | ~                   | COLR                  | G                 | G                      | ~                 | ~                 | G                  | G                     |
| Wisconsin              | <sup>20</sup>       | G                     | G                 | G                      | G                 | G                 | G                  | ~                     |
| Wyoming                | <sup>21</sup>       | G <sup>22</sup>       | G <sup>22</sup>   | G <sup>22</sup>        | ~                 | G <sup>22</sup>   | G <sup>22</sup>    | ~                     |
| Federal <sup>23</sup>  | ~                   | ~                     | ~                 | ~                      | ~                 | ~                 | ~                  | ~                     |

Legend: COLR=Court of Last Resort, IAC=Intermediate Appellate Court  
G=General Jurisdiction, L=Limited Jurisdiction, ~=Not applicable

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## Table 29. Type of Court Hearing Administrative Agency Appeals

### FOOTNOTES:

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**District of Columbia:**

<sup>1</sup>COLR if agency provided trial-type hearing in a contested case, otherwise it is general jurisdiction.

**Florida:**

<sup>2</sup>Actions concerning medical licensing disciplinary proceedings by the Department of Professional Regulation are appealed to IAC.

<sup>3</sup>Final agency action regarding recovery of overpayments of welfare fraud appeals heard by IAC.

**Georgia:**

<sup>4</sup>If the case is brought by discretionary application such as worker's compensation and unemployment insurance, any one of three judges on the Division may grant the application. On the direct appeal, a dissent of one judge on the panel causes the case to be reviewed by that Division and the next Division in succession and a seventh judge. If the majority of the panel, or a majority of the seven judge court, determines the case should be heard by all ten judges, then the case will be reviewed by all ten judges.

<sup>5</sup>Tried in general jurisdiction court or as an alternative process with appeal in general jurisdiction.

**Hawaii:**

<sup>6</sup>The COLR may transfer a case to the IAC.

<sup>7</sup>Tax Appeal Court (specialized court) presided over by circuit court judge.

**Idaho:**

<sup>8</sup>Cases are initially brought to a medical malpractice hearing panel (conclusions are not binding); case may be filed in the district court (G).

**Indiana:**

<sup>9</sup>Tax court (IAC)

**Kansas:**

<sup>10</sup>Rate cases to IAC

**Missouri:**

<sup>11</sup>No tribunals exist. Declared unconstitutional.

**New Hampshire:**

<sup>12</sup>By petition for writ of certiorari to superior or supreme court (concurrent jurisdiction).

**New Jersey:**

<sup>13</sup>The COLR may, on its own motion certify any action or class of actions for appeal, or the litigant may move for certification of an appeal pending in the appellate division.

<sup>14</sup>Appeals from county boards of taxation are heard by the tax court which is a limited jurisdiction court.

**New York:**

<sup>15</sup>Appeals from final decisions of all administrative agencies go to either the supreme court or the appellate division of supreme court in Article 78 proceedings.

**North Carolina:**

<sup>16</sup>Superior court; some to IAC; COLR hears general rate cases from utilities commission.

**Oklahoma:**

<sup>17</sup>Worker's Compensation Court (L)

**Tennessee:**

<sup>18</sup>Chancery Court of Davidson County (G)

**Washington:**

<sup>19</sup>Most administrative agency rulings are appealed first to the superior court (G) and then to the IAC. Only cases that meet specific statutory criterion are reviewed by the IAC directly from the administrative ruling.

**Wisconsin:**

<sup>20</sup>Cases are taken to the circuit court (G) and are required to go through a medical mediation panel, organized through the AOC.

**Wyoming:**

<sup>21</sup>Medical malpractice tribunals have been eliminated.

<sup>22</sup>District courts may hear appeals or certify directly to COLR.

**Federal:**

<sup>23</sup>Judicial review of decisions by federal administrative agencies is usually defined by specific statutory authority relating to those agencies.