

# **Appellate Court Procedures**

by

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and  
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**With the assistance of the Clerks of the Appellate Court**

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## **FORWARD**

Prior to the 1973 organization of the National Conference of Appellate Court Clerks, each appellate court operated independently without any awareness of improved, successful procedures and policies in other jurisdictions. Clerks often were political appointees serving short periods of time before retirement and content to follow established practices.

Examples of such archaic practices included heavy bound, 200-page "Register of Actions" books with barely legible handwritten entries like those used in ancient times (sometimes called "hernia books") with bound separate non-alphabetized index books. Some clerks maintained separate bound handwritten minute books, judgment books, and case status books. Long delays in record preparation were common because there was no control between the filing of an appeal and completion of the appellate record. Court opinions were prepared on manual typewriters with carbon paper copies.

In **1972**, visionary and forward-looking appellate court clerks such as J. O. Sentell of Alabama, Hy Gamso of New York, John Powers of Massachusetts, Alex Stevas of Washington, D.C., and Ron Dzierbicki of Michigan met with Justice Winslow Christian, former director of the National Center for State Courts. They discussed the need for a professional appellate court clerks organization. The national conference was established the next year in Washington, D.C., with J. O. Sentell as its first president.

Appellate court clerks initially found it difficult to understand and communicate with others because of vast differences in terminology, court policies, and procedures. Then at their annual meetings, they were able to share innovative ideas and procedures, such as loose-leaf typewritten docket sheets; use of central staff law clerks to aid judges in their work; use of appellate settlement conferences; use of word-processing equipment; and computerization of record keeping, etc. The list goes on and on.

In **1975**, I prepared a questionnaire of 85 questions relating to appellate court procedures and practices as they varied from state to state. The questionnaire was sent to the appellate court and supreme court clerks of each of the 50 states. We are grateful for the cooperation and response received from clerks of each of the 50 states. The resulting book was arranged with a coding system to make it possible to compare any state with any other state. (For example, E-1 indicates the time for filing the notice of appeal in each state.)

We are indebted to Charles Nelson of West Publishing Company for printing the Outline and to the National Center for State Courts for making it available to clerks, judges, attorneys, legislators, and other members of the public. It has helped improve the efficiency of appellate courts and make procedures more consistent. The book was enlarged and republished in **1978** to include information on caseload and staffing and was last republished by West Publishing co. in **1983**. It now includes information on 92 areas of interest.

I was pleased that the National Center for State Courts has now republished the book, and I hope it will continue to benefit the judicial community.

Wilfried J. Kramer, Retired Clerk,  
California Court of Appeal

## **ACKNOWLEDGMENTS**

This book is the result of the hard work, dedication, and enthusiasm of all appellate court clerks, both state and federal. The support of the National Conference of Appellate Court Clerks (NCACC) was critical to the completion of this effort, and their help is gratefully acknowledged. Special thanks are due to the NCACC leadership: David Beach, appellate clerk for the Virginia Supreme Court, Marilyn Graves, appellate clerk from Washington, and Keith Richardson, appellate clerk from Iowa. These NCACC presidents were extremely dedicated and helped instill a sense of urgency and cooperation among the NCACC membership. Wilfried Kramer, the retired clerk from California's Third District, was the inspiration for updating a new procedural appellate book. Joy Chapper, the deputy clerk from the District of Columbia, encouraged an update of the "old Kramer book." The project also benefited greatly from the advice and guidance of the Court Statistics Project Advisory Committee of the Conference of State Court Administrators, which reviewed many of the project's products. The generous support of the State Justice Institute made the publication and work on the book possible, and Sandra Thurston, project monitor, offered invaluable suggestions and guidance. A listing of the appellate clerks can be found in Appendix A.

A special debt of thanks is owed to colleagues at the National Center for State Courts: Gene Flango, Margaret Fonner, Roger Hanson, and Brian Ostrom, whose input considerably improved the book; Meredith Peterson, who carefully compiled an extensive appellate bibliography on appellate procedures; and Dawn Spinozza, whose careful editing and advice greatly enhanced the final product.

## **INTRODUCTION AND OVERVIEW**

### **Background and Objectives**

This volume is a successor to the pioneering series of comparative studies describing appellate courts in the United States initiated by Wilfried J. Kramer on behalf of the National Conference of Appellate Court Clerks. In 1975, 1978, and 1983, Mr. Kramer compiled authoritative and systematic description of appellate court structure and procedures organized in a manner that facilitated comparison.

*Appellate Court Procedures* updates that comparative information to 1998. The 51 tables of information continue essential information from the 1983 Kramer volume and add important information of contemporary interest, notably procedures for expediting the appellate process and the use of technology by appellate courts.

As appellate caseloads have risen and judicial and staff capacity grown only modestly, the range and inventiveness of expedited procedures have expanded. Rising appellate caseloads also have led appellate courts to seek technological remedies that both enhance the appellate process and cope with the demands being placed on appellate judges, clerks, and court staff. It is a sign of the times that one of the new topics covered in this volume provides the location of appellate courts in cyberspace; that is, on the World Wide Web.

Appellate courts and their clerks are the primary audience for this volume. However, the contents are intended as a basic reference guide for judges, court administrators, central staff attorneys, appellate practitioners, policymakers, researchers, and educators interested in appellate courts: their organization, the steps that appeals follow in each court, the size and composition of the appellate bench, and the management of appellate courts. In some instances, the need to be succinct and to achieve comparability across courts was achieved at the expense of detail. Those who seek a more nuanced and detailed view of individual courts are referred to the clerks of the individual courts (see Appendix A).

### **Organizing Principles**

The current volume seeks to facilitate comparative inquiry by adopting a tabular format. Each table covers a central topic and includes all of the appellate courts with relevant jurisdiction or procedures. A portrait of structure and procedures for a particular appellate court can be compiled by finding the desired topics in the table of contents and then locating the court in the appropriate tables.

The first section, **Appellate Court Jurisdiction**, identifies the state and federal appellate courts and details their jurisdiction to hear appeals. Jurisdiction is described by subject matter and by whether it is mandatory or discretionary. Separate tables consider the right to appeal trial court judgments and the review of interlocutory orders and writs, as well as the manner in which decisions of administrative agencies receive appellate review. The defining feature of appellate court structure remains its diversity. Although most states—39 in all—have established an intermediate appellate court (up from 34 in 1983), there are many variations on that basic theme. For an in-depth discussion of the substantive differences that exist among the states, the reader is referred to “A Taxonomy of Appellate Court Organization,” Volume 3, Number 1, of the *Caseload Highlights* series available from the National Center for State Courts. Seven basic patterns are identified in this article. Generally, state appellate court systems are most comparable to those sharing their pattern.



The second section, **The Steps in the Appellate Procedural Process**, describes the appellate process using nine tables. This is the heart of the volume. Essentially the tables follow the appeals process from its initiation through notices of appeal or petitions for review, record preparation, and the filing of briefs. The emphasis is on identifying the procedures that apply to each appellate court and on facilitating comparison among those courts.

The third section, **Decision Making in Appellate Courts**, examines the decision-making process within appellate courts. An initial table explains how the rules of appellate procedure are established and modified. Other tables in the section provide specific consideration of the decision-making process for discretionary petitions. Appellate courts with discretionary jurisdiction require procedures for selecting which petitions will be granted appellate review. In the U.S. Supreme court, four of the nine justices must agree to grant a petition. The state appellate courts rarely follow this model. Decisions to grant a petition are made by some courts en banc, in other courts by a panel, and in still other courts by a single justice or a commissioner.

The fourth section, **Expedited Appellate Procedures**, is devoted to the kinds of procedures appellate courts have established to expedite the appeals process. An initial table summarizes the expedited procedures available in each appellate court. Three tables detail the nature and use of settlement conferences, while a separate table describes special appellate calendars.

The fifth section, **The Appellate Branch, Clerks, and Judicial Support Staff**, describes the appellate bench, as well as clerks of appellate courts. For each appellate court, it is possible to learn the procedures for selecting the court's chief justice or chief judge and the number of authorized judgeships. A series of tables indicate the qualifications to serve on the appellate bench, the method by which appellate judges are selected, the terms of their appointment to the bench, and the process established for considering the removal of appellate judges and justices. A separate table describes the current use of senior judges in appellate courts, an increasingly important resource for state and federal appellate courts. The section also considers some features specific to the functioning of intermediate appellate courts.

Appellate courts always have a designated clerk. In 14 states, the clerk of the court of last resort also serves as the clerk for the intermediate appellate court. With rare exception, clerks are appointed by and serve at the pleasure of the court. However, in Indiana the clerk of the supreme court is an elected official, as are the clerks of the 12 regional intermediate appellate court in Ohio. Tables are devoted to describing the clerk's position and the process for selecting clerks. Separate attention is given to the procedures for compiling and retaining records in clerks' offices. Appellate court resources include law clerks who provide direct support to appellate justices and judges ("elbow clerks") and central staff attorneys. A table indicates the number law clerks allocated to the chief justice or judge of a court and to the associate justices or judges, as well as the size of the court's central law staff.

The sixth section, **Technology in Appellate Courts**, considers the new role of information technology in appellate courts. Technology is considered in terms of how it enhances basic appellate court functions, including the filing of cases, holding of oral arguments, legal research, and the provision of information. Technology also has changed the operations of appellate court clerks. Tables consider the use of case management information systems and automated administrative systems. The state of automation in appellate courts is also reviewed, and the location of web pages for individual appellate courts are provided.

The seventh and final section, **Representation**, considers legal representation in the appellate process. Topics considered include mechanisms for providing representation to litigants and the fees paid to court-appointed attorneys.

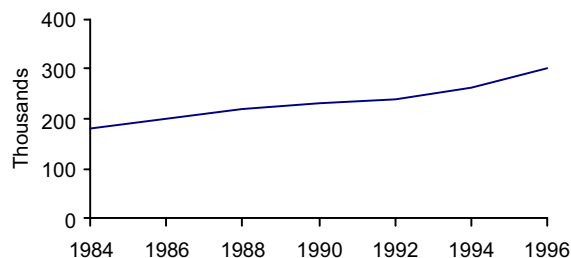
Cumulatively, the 51 tables of information provide a comprehensive view of appellate court structure and procedures. The format is designed to meet the needs of attorneys seeking a description of the steps to the appellate process as they are organized in each appellate court, as well as the needs of those concerned to understand the subject matter and geographic jurisdiction of the various appellate courts and the operation of those courts in terms of staffing, management, and record retention.

### The Context

In the 15 years since the last of the Kramer volumes was published, there have been significant changes to the structure and the procedures of appellate courts. These changes stem in part from the demands imposed by rising appellate caseloads. The number of mandatory appeals reaching intermediate appellate courts grew by 5 percent per year between 1984 and 1996, a cumulative growth of 55 percent. Courts of last resort saw their mandatory caseload grow by some 40 percent over those years. The number of petitions seeking discretionary review grew even more rapidly by 141 percent. By the mid-1990s, the volume of appeals filed in state appellate courts was large indeed:

166,000	mandatory appeals filed in intermediate appellate courts
56,000	mandatory appeals filed in courts of last resort
26,000	petitions for review filed in intermediate appellate courts
28,000	petitions for review filed in courts of last resort

**Appeals in State Courts, 1984-1996**



The number of appellate judges, however, was little changed between the mid-1980s and the mid-1990s. The combined state court appellate bench consisted of 1,077 judges in 1984 and 1,293 in 1996.

During previous decades state court systems established or expanded the role of intermediate appellate courts as a significant step toward enhancing the overall capacity of the appellate system. In the mid-1950s, only 13 states possessed a permanent intermediate appellate court (although some states previously had established and then disbanded such a court). By 1985, 34 states had one or more intermediate appellate courts. Although another five states established an intermediate appellate court, the relief that such a court could provide largely had been realized. Establishment of intermediate appellate courts means that more trial court decisions can be

reviewed which promotes more consistency among trial court decisions; meets litigants' need for an appeal; and lets the supreme court focus on appeals that change the law.

Ingenuity and the application of new technologies have allowed appellate courts to contend with the growing gap between court workload and court resources. In particular, the recent past has seen a growing willingness of appellate courts to learn from one another. Promising procedural changes undertaken in one court have been studied, borrowed, and adapted for use in others. In addition, appellate courts have learned how to harness the capacity of automation and information technology in order to streamline and expedite the appellate process.

### **Compilation of this Volume**

All information in Appellate Court Procedures was provided and verified by the appellate courts themselves.

### **Other Sources for Information on Appellate Courts**

A bibliography (Appendix B) is provided that covers both general information about the appellate process and court-specific information that is available through manuals, guides, and special studies. The reader is also referred to the National Center for State Courts' caseload series, *Examining the Work of State Court, 1996* and *State Court Caseload Statistics, 1996*, for appellate caseload data and filing trends.

**Table 1.1 – Appellate Courts in the United States**

State/Court	Number of court locations that have:		Location of session
	Separate administrative rules	Chief justice/ judge	
<b>Alabama</b>			
Supreme Court	1	1	Montgomery, AL <sup>1</sup>
Court of Civil Appeals	1	1	Montgomery, AL <sup>1</sup>
Court of Criminal Appeals	1	1	Montgomery, AL <sup>1</sup>
<b>Alaska</b>			
Supreme Court	1	1	Anchorage, Fairbanks, Juneau, AK <sup>2</sup>
Court of Appeals	1	1	Anchorage, AK
<b>Arizona</b>			
Supreme Court	1	1	Phoenix, AZ
Court of Appeals	2	2	Phoenix, AZ (12 judges) Tucson, AZ (6 judges)
<b>Arkansas</b>			
Supreme Court	1	1	Little Rock, AR
Court of Appeals	0	1	Little Rock, AR
<b>California</b>			
Supreme Court	–	1	3 cities
Courts of Appeal	–	9 <sup>3</sup>	6 districts, 9 locations
<b>Colorado</b>			
Supreme Court	1	1	Denver, CO <sup>4</sup>
Court of Appeals	1	1	Denver, CO
<b>Connecticut</b>			
Supreme Court	1	1	Hartford, CT <sup>5</sup>
Appellate Court	1	1	Hartford, CT <sup>5</sup>
<b>Delaware</b>			
Supreme Court	0	1	Dover, DE
<b>District of Columbia</b>			
Court of Appeals	1	1	Washington, DC
<b>Florida</b>			
Supreme Court	1	1	Tallahassee, FL <sup>6</sup>
District Courts of Appeal	0	5 <sup>7</sup>	Varies by district
<b>Georgia</b>			
Supreme Court	1	1	Atlanta, GA
Court of Appeals	1	1	Atlanta, GA <sup>8</sup>

Table 1.1 – Appellate Courts in the United States (continued)

**Number of court locations  
that have:**

<b>State/Court</b>	<b>Separate administrative rules</b>	<b>Chief justice/ judge</b>	<b>Location of session</b>
<b>Hawaii</b>			
Supreme Court	1	1	Honolulu, HI
Intermediate Court of Appeals	1	1	Honolulu, HI
<b>Idaho</b>			
Supreme Court	1	1	Boise, Coeur d'Alene, Idaho Falls, Lewiston, Moscow, Pocatello, and Twin Falls, ID
Court of Appeals	1	1	Boise, Coeur d'Alene, Idaho Falls, Lewiston, Moscow, Pocatello, Twin Falls, Blackfoot, and Hailey, ID
<b>Illinois</b>			
Supreme Court	1	1	Springfield, IL
Appellate Court	5	5	5 cities or districts <sup>9</sup>
<b>Indiana</b>			
Supreme Court	1	1	Indianapolis, IN
Court of Appeals	1	1	Indianapolis, IN
Tax Court	_ <sup>10</sup>	_ <sup>10</sup>	
<b>Iowa</b>			
Supreme Court	1	1	Des Moines, IA
Court of Appeals	1	1	Des Moines, IA
<b>Kansas</b>			
Supreme Court	1 <sup>11</sup>	1	Topeka, KS
Court of Appeals	1 <sup>11</sup>	1	_ <sup>12</sup>
<b>Kentucky</b>			
Supreme Court	1	1	Frankfort, KY
Court of Appeals	1	1	Varies
<b>Louisiana</b>			
Supreme Courts	1	1	New Orleans, LA
Courts of Appeal	5	5	First Circuit - Baton Rouge, LA Second Circuit - Shreveport, LA Third Circuit - Lake Charles, LA Fourth Circuit - New Orleans, LA Fifth Circuit - Jefferson, LA
<b>Maine</b>			
Supreme Judicial Court	1	1	Portland, ME <sup>13</sup>
<b>Maryland</b>			
Court of Appeals	1	1	Annapolis, MD
Court of Special Appeals	1	1	Annapolis, MD

Table 1.1 – Appellate Courts in the United States (continued)

State/Court	Number of court locations that have:		Location of session
	Separate administrative rules	Chief justice/judge	
<b>Massachusetts</b>			
Supreme Judicial Court	1	1	Boston, MA
Appeals Court	1	1	Boston, MA
<b>Michigan</b>			
Supreme Court	1	1 <sup>14</sup>	Lansing, MI
Court of Appeals	1	1 <sup>15</sup>	4 designated cities <sup>16</sup>
<b>Minnesota</b>			
Supreme Court	1	1	St. Paul, MN
Court of Appeals	1	1	Hennepin and Ramsey Counties, MN
<b>Mississippi</b>			
Supreme Court	1	1	Jackson, MS
Court of Appeals			Jackson, MS
<b>Missouri</b>			
Supreme Court	1	1	Jefferson City, MO
Court of Appeals	3	3	Varies
<b>Montana</b>			
Supreme Court	1	1	Helena, MT
<b>Nebraska</b>			
Supreme Court	1	1	Lincoln, NE
Court of Appeals	1	1	Lincoln, NE
<b>Nevada</b>			
Supreme Court	1	1	Carson City, NV <sup>17</sup>
<b>New Hampshire</b>			
Supreme Court	1	1	Concord, NH
<b>New Jersey</b>			
Supreme Court	1	1	Trenton, NJ
Superior Court, Appellate Division	1	1	Varies <sup>18</sup>
<b>New Mexico</b>			
Supreme Court	1	1	Santa Fe, NM
Court of Appeals	1	1	Santa Fe, NM

Table 1.1 – Appellate Courts in the United States (continued)

**Number of court locations  
that have:**

<b>State/Court</b>	<b>Separate administrative rules</b>	<b>Chief justice/ judge</b>	<b>Location of session</b>
<b>New York</b>			
Court of Appeals	1	1	Albany, NY
Supreme Court, Appellate Divisions	4	4	Varies
<b>North Carolina</b>			
Supreme Court	1	1	Raleigh, NC
Court of Appeals	1	1	Raleigh, NC
<b>North Dakota</b>			
Supreme Court	1	1	Bismarck, ND <sup>19</sup>
<b>Ohio</b>			
Supreme Court	1	1	Columbus, OH
Courts of Appeals	12	12	Varies
<b>Oklahoma</b>			
Supreme Court	1	1	Oklahoma City, OK
Court of Criminal Appeals	1	1	Oklahoma City, OK
Court of Civil Appeals	1	1	Oklahoma City and Tulsa, OK (divisions of 3)
<b>Oregon</b>			
Supreme Court	1	1	Salem, OR
Court of Appeals	1	1	Salem, OR
<b>Pennsylvania</b>			
Supreme Court	1 <sup>20</sup>	1	Pittsburgh, Harrisburg, and Philadelphia, PA
Superior Court	1	1	“Ride circuit” throughout the state <sup>21</sup>
Commonwealth Court	1	1	“Ride circuit” throughout the state <sup>21</sup>
<b>Rhode Island</b>			
Supreme Court	1	1	Providence, RI
<b>South Carolina</b>			
Supreme Court	1	1	Columbia, SC
Court of Appeals	1	1	Columbia, SC
<b>South Dakota</b>			
Supreme Court	1	1	Pierre, SD

Table 1.1 – Appellate Courts in the United States (continued)

State/Court	Number of court locations that have:		Location of session
	Separate administrative rules	Chief justice/judge	
<b>Tennessee</b>			
Supreme Court	1	1	Knoxville, Nashville, and Jackson, TN
Court of Appeals	1	1	Knoxville, Nashville, and Jackson, TN
Court of Criminal Appeals	1	1	Knoxville, Nashville, and Jackson, TN
Courts of Appeals	14	14	Designate for each of the 14 IACs
<b>Texas</b>			
Supreme Court	1	1	Austin, TX
Court of Criminal Appeals	1	1	Varies by district
<b>Utah</b>			
Supreme Court	1	1	Salt Lake City, UT
Court of Appeals	1	1	Salt Lake City, UT
<b>Vermont</b>			
Supreme Court	1	1	Montpelier, VT <sup>22</sup>
<b>Virginia</b>			
Supreme Court	1	1	Richmond, VA
Court of Appeals	1	0	Richmond, Norfolk, Salem, and Alexandria, VA
<b>Washington</b>			
Supreme Court	1	1	Olympia, WA
Courts of Appeals	3 <sup>23</sup>	3 <sup>23</sup>	Varies by division
<b>West Virginia</b>			
Supreme Court of Appeals	1	1	Charleston, WV
<b>Wisconsin</b>			
Supreme Court	1	1	Madison, WI
Court of Appeals	1	1	Milwaukee, Waukesha, Wausau, and Madison, WI
<b>Wyoming</b>			
Supreme Court	1	1	Cheyenne, WY <sup>24</sup>
<b>Federal<sup>25</sup></b>			
U.S. Supreme Court	1	1	Washington, DC
U.S. Courts of Appeals	1	1	Each of the 14 courts of appeal has a designated city to conduct court

**Endnotes**

<sup>1</sup> Sometimes sessions for oral argument are held in other cities.

<sup>2</sup> The supreme court holds regular sessions in other cities occasionally.

<sup>3</sup> There are 93 authorized judgeships. Currently 88 are filled. There is an administrative presiding judge in each of the three

multi-division districts, and the presiding judges serve this function in the other three districts.

<sup>4</sup> Twice each year the court will travel and hold arguments at a public school as part of a public education program.

<sup>5</sup> One day each year the court meets at a local law school or university.



<sup>6</sup> The supreme court facility for all seven justices is located in the state capital.

<sup>7</sup> There are five district courts of appeal that are located in five different judicial districts throughout the state. The first district has 15 judges; the second, 14; the third, has 11; the fourth, 12, and the fifth, 9. The chief judge for each DCA is chosen by a majority of the court, and if there is no majority, by the chief justice.

<sup>8</sup> Court may sit outside Atlanta by special court order.

<sup>9</sup> Exception is Industrial Commission Division, which sits in panels of five.

<sup>10</sup> Tax court does not have a chief judge; it has separate administrative rules and one permanently assigned judge.

<sup>11</sup> Both the COLR and IAC operate under the same administrative rules.

<sup>12</sup> Judges are authorized to sit in any courthouse in the state.

<sup>13</sup> The justices have permanent chambers in the superior courthouse near their residence. The supreme court is not lodged in its own building.

<sup>14</sup> The supreme court selects the chief justice.

<sup>15</sup> There is one chief judge elected by the entire IAC and four presiding judges, who rotate on a monthly basis.

<sup>16</sup> All IAC judges rotate throughout numerous court locations in the state, although there are four designated districts (1st, 2nd, 3rd, and 4th).

<sup>17</sup> Court sits in Las Vegas three times a year. In January 1999, court will expand to seven justices and will commence to meet in panels.

<sup>18</sup> Judges are not assigned permanently to any particular location.

<sup>19</sup> Court sits in one special session at the law school.

<sup>20</sup> One set of rules for three locations.

<sup>21</sup> Commonwealth court usually meets in Pittsburgh, Harrisburg, and Philadelphia, with one en banc session per argument week.

<sup>22</sup> Special court sessions are held at Vermont Law School and at trial courts.

<sup>23</sup> There is one presiding judge over all divisions, as well as a chief judge in each of the three divisions. All have local administrative rules in addition to general administrative rules.

<sup>24</sup> On occasion the court sits at the Wyoming Law School and various community colleges.

<sup>25</sup> The federal military appeals system, established primarily by federal legislation, Articles 66 & 67 of the Uniform Code of Military Justice, 10 U.S.C. §§ 866, 867, creates four intermediate appellate courts and one court of last resort, whose decisions are subject to review by the U.S. supreme court. The intermediate courts are the U.S. Air Force Court of Criminal Appeals, U.S. Army Court of Criminal Appeals, U.S. Navy-Marine Corps Court of Criminal Appeals, and the U.S. Coast Guard Court of Criminal Appeals. The court of last resort is the U.S. Court of Appeals for the Armed Forces. While the courts of criminal appeals are governed by joint rules issued by the Judge Advocates General of the respective services (General Counsel of the Department of Transportation for the Coast Guard), the chief judge of each court is authorized to issue internal rules for that court. Accordingly, the internal rules vary according to service needs.

**Table 1.2 – Mandatory and Discretionary Jurisdiction of Appellate Courts**

State/Court	Civil appeals	Criminal appeals	Administrative agency appeals	Extra-ordinary writs	Guilty pleas	Post-conviction relief	Death penalty cases	Sentencing issues
<b>Alabama</b>								
Supreme Court	M	NJ	M	M	NJ	D	D	D
Court of Civil Appeals	M	NJ	M	D	NJ	NJ	NJ	NJ
Court of Criminal Appeals	NJ	M	NJ	M	NJ	M	M	NJ
<b>Alaska</b>								
Supreme Court	M	D	M	Both	NJ	D	NJ	D
Court of Appeals	NJ	Both	NJ	Both	NJ	M	NJ	M
<b>Arizona</b>								
Supreme Court	Both	Both	D	D	D	D	M	– <sup>1</sup>
Court of Appeals	M	M	M <sup>2</sup>	D	NJ	D	NJ	M
<b>Arkansas</b>								
Supreme Court	M	M	M	M	M	M	M	M
Court of Appeals	M	M	M	NJ	M	NJ	NJ	M
<b>California</b>								
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>
Courts of Appeals	M	M	D	D	M	D	NJ	M
<b>Colorado</b>								
Supreme Court	D	D	D	Both	D	D	M	D
Court of Appeals	M	M	M	NJ	M	M	NJ	M
<b>Connecticut</b>								
Supreme Court	D	D <sup>4</sup>	D	M	D <sup>4</sup>	D	M	NJ
Appellate Court	M	M	M	M	M	M	NJ	NJ
<b>Delaware</b>								
Supreme Court	M	M	M	M	M	M	M	M
<b>District of Columbia</b>								
Court of Appeals	M	M	M	M	– <sup>5</sup>	M	NJ	M
<b>Florida</b>								
Supreme Court	Both	Both <sup>6</sup>	M <sup>7</sup>	D	NJ	Both <sup>6</sup>	M	Both
District Courts of Appeal	M	M	M	D	NJ	M	NJ	M
<b>Georgia</b>								
Supreme Court	Both	Both	D	Both	M	D	M	M
Court of Appeals	Both	Both	D	NJ	M	NJ	NJ	M
<b>Hawaii</b>								
Supreme Court	M	M	M	D	M	M	NJ	M
Intermediate Court of Appeals	M	M	M	D	M	M	NJ	M

Legend:  
M – Mandatory  
D – Discretionary  
NJ – No Jurisdiction

Table 1.2 – Mandatory and Discretionary Jurisdiction of Appellate Courts (continued)

State/Court	Civil appeals	Criminal appeals	Administrative agency appeals	Extra-ordinary writs	Guilty pleas	Post-conviction relief	Death penalty cases	Sentencing issues
<b>Idaho</b>								
Supreme Court	M	M	M	M	M	M	M	M
Court of Appeals	M	M	M	NJ	M	M	NJ	M
<b>Illinois</b>								
Supreme Court	D	D/M <sup>8</sup>	D/M <sup>8</sup>	D	D	D	M	D
Appellate Court	M	M	M	NJ	M	M	NJ	M
<b>Indiana</b>								
Supreme Court	Both <sup>9</sup>	Both <sup>10</sup>	D	M	Both <sup>10</sup>	Both <sup>11</sup>	M	M
Court of Appeals	M	M	M	M	M	M	NJ	M
Tax Court	NJ	NJ	M	NJ	NJ	NJ	NJ	NJ
<b>Iowa</b>								
Supreme Court	Both	Both	M	Both	M	Both	NJ	Both
Court of Appeals	Both	Both	M	Both	M	Both	NJ	Both
<b>Kansas</b>								
Supreme Court	Both	Both	Both	M	Both	D	M	Both
Court of Appeals	M	M	M	M	M	M	NJ	M
<b>Kentucky</b>								
Supreme Court	Both	Both	Both	M	Both <sup>12</sup>	Both <sup>12</sup>	M	Both <sup>13</sup>
Court of Appeals	M	M	M	M	M	M	NJ	M
<b>Louisiana</b>								
Supreme Court	Both	Both	Both	D	Both	D	M	D
Courts of Appeal	M	M	M	D	Both	D	NJ	D
<b>Maine</b>								
Supreme Judicial Court	M	M <sup>14</sup>	M <sup>15</sup>	NJ	M	D	NJ	D
<b>Maryland</b>								
Court of Appeals	D	D	D	D	D	D	M	D
Court of Special Appeals	M	M	M	M	D	D	NJ	D
<b>Massachusetts</b>								
Supreme Judicial Court	Both	Both	Both	D	NJ	D	NJ	NJ
Appeals Court	M	M	M	D	NJ	D	NJ	NJ
<b>Michigan</b>								
Supreme Court <sup>16</sup>	D	D	D	Both	D	D	NJ	D
Court of Appeals	M	M	M	D	D	M	NJ	M
<b>Minnesota</b>								
Supreme Court	Both	Both	D	D	D	D	NJ	D
Court of Appeals	M	M	M	M	M	M	NJ	M

Legend:  
M – Mandatory  
D – Discretionary  
NJ – No Jurisdiction

Table 1.2 – Mandatory and Discretionary Jurisdiction of Appellate Courts (continued)

State/Court	Civil appeals	Criminal appeals	Administrative agency appeals	Extra-ordinary writs	Guilty pleas	Post-conviction relief	Death penalty cases	Sentencing issues
<b>Mississippi</b>								
Supreme Court	Both	Both	Both	M	NJ	Both	M	M
Court of Appeals	M	M	M	M	NJ	M	NJ	NJ
<b>Missouri</b>								
Supreme Court	Both	D	D	D	D	D	M	D
Court of Appeals	M	M	M	M	M	M	NJ	M
<b>Montana</b>								
Supreme Court	M	M	D	D	M	M	M	– <sup>17</sup>
<b>Nebraska</b>								
Supreme Court	D	D	D	M	D	D	M	D
Court of Appeals	M	M	M	M	M	M	NJ	M
<b>Nevada</b>								
Supreme Court	M	M	M	M	M	M	M	M
<b>New Hampshire</b>								
Supreme Court	D	D	D	D	D	D	M	D
<b>New Jersey</b>								
Supreme Court <sup>18</sup>	Both	Both	Both	Both	Both	Both	M	Both
Superior Court, Appellate Division	M	M	M	M	M	M	NJ	M
<b>New Mexico</b>								
Supreme Court	NJ	NJ <sup>19</sup>	M	D	NJ	D	M	NJ
Court of Appeals	M	M	M	NJ	M	NJ	NJ	M
<b>New York</b>								
Court of Appeals	Both	Both	Both	NJ	D <sup>20</sup>	M/D <sup>21</sup>	M	M/D
Supreme Court, Appellate Division	M	M	M	M	M	D	NJ	M
<b>North Carolina</b>								
Supreme Court	D	D	Both	D	D	D	M	Both
Court of Appeals	M	M	M	Both	Both	Both	NJ	M
<b>North Dakota</b>								
Supreme Court	M	M	M	D	M	M	NJ	M
Court of Appeals	M	M	M	D	M	M	NJ	M
<b>Ohio</b>								
Supreme Court	D	D	Both	Both	D	D	M	D
Courts of Appeals	M	M	M	M	M	M	NJ	M

Legend:  
M – Mandatory  
D – Discretionary  
NJ – No Jurisdiction

Table 1.2 – Mandatory and Discretionary Jurisdiction of Appellate Courts (continued)

State/Court	Civil appeals	Criminal appeals	Administrative agency appeals	Extra-ordinary writs	Guilty pleas	Post-conviction relief	Death penalty cases	Sentencing issues
<b>Oklahoma</b>								
Supreme Court	M	NJ	M	D	NJ	NJ	NJ	NJ
Court of Civil Appeals	NJ	M	NJ	D	M	M	M	M
Court of Appeals	M <sup>22</sup>	NJ	M	D	NJ	NJ	NJ	NJ
<b>Oregon</b>								
Supreme Court	Both	Both	M	D	NJ	NJ	M	D
Court of Appeals	M	M	M	M	M	M	NJ	M
<b>Pennsylvania</b>								
Supreme Court	Both	Both	Both	D	NJ	D	M	NJ
Superior Court	Both	M	Both	NJ	NJ	M	NJ	NJ
Commonwealth Court	Both	Both	Both	Both	NJ	Both	NJ	NJ
<b>Rhode Island</b>								
Supreme Court	M	M	D	D	NJ	M	NJ	M
<b>South Carolina</b>								
Supreme Court	M	M	M	D	M	D	M	M
Court of Appeals	M	M	M	M <sup>23</sup>	– <sup>24</sup>	NJ	NJ	M
<b>South Dakota</b>								
Supreme Court	M	M	M	D	M	M	M	M
<b>Tennessee</b>								
Supreme Court	D	D	D	D	D	D	M	D
Court of Appeals	M	NJ	M	D	NJ	NJ	NJ	NJ
Court of Criminal Appeals	NJ	M	NJ	D	M	M	M	M
<b>Texas</b>								
Supreme Court	D	NJ	D	M	NJ	NJ	NJ	NJ
Court of Criminal Appeals	NJ	D	NJ	M	D	D	M	Both
Courts of Appeals	M	M	M	M	M	M	NJ	M
<b>Utah</b>								
Supreme Court	M	M	M	M	M	M	M	M
Court of Appeals	M	M	M	M	M	M	NJ	M
<b>Vermont</b>								
Supreme Court	M	M	M	M	M	M	NJ	D
<b>Virginia</b>								
Supreme Court	D	D	Both	D	D	D	M	D
Court of Appeals	NJ <sup>25</sup>	D	M	D	D	D	NJ	D

Legend:  
M – Mandatory  
D – Discretionary  
NJ – No Jurisdiction

Table 1.2 – Mandatory and Discretionary Jurisdiction of Appellate Courts (continued)

State/Court	Civil appeals	Criminal appeals	Administrative agency appeals	Extra-ordinary writs	Guilty pleas	Post-conviction relief	Death penalty cases	Sentencing issues
<b>Washington</b>								
Supreme Court	D	D	D	D	D	D	M	D
Courts of Appeals	M	M	M	NJ	M	M	NJ	M
<b>West Virginia</b>								
Supreme Court of Appeals	D	D	D	D	D	D	NJ	D
<b>Wisconsin</b>								
Supreme Court	NJ	NJ	NJ	NJ	NJ	NJ	NJ	NJ
Court of Appeals	M	M	M	M	M	M	NJ	M
<b>Wyoming</b>								
Supreme Court	M	M	M	D	M	D	M	M
<b>Federal</b>								
U.S. Supreme Court <sup>26</sup>	D	D	D	D	D	D	D	D
U.S. Courts of Appeals <sup>27</sup>	M	M	M	D	M	M	M	M
U.S. Court of Veterans Appeals	NJ	NJ	M	D	NJ	NJ	NJ	NJ

**Endnotes**

- <sup>1</sup> Sentencing issues may be raised in any case.
- <sup>2</sup> Division 1 has discretion in unemployment appeals.
- <sup>3</sup> Review of IAC decision.
- <sup>4</sup> Mandatory if conviction of capital felony.
- <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).
- <sup>6</sup> Mandatory jurisdiction in death penalty cases.
- <sup>7</sup> Public Service Commission hears these appeals.
- <sup>8</sup> If a statute is declared unconstitutional or defendant is sentenced to death.
- <sup>9</sup> Jurisdiction is mandatory only if a trial court declares a statute unconstitutional.
- <sup>10</sup> Jurisdiction is mandatory only if the sentence is death, life imprisonment, or greater than 50 years for a single offense.
- <sup>11</sup> Jurisdiction is mandatory only if the sentence is death.
- <sup>12</sup> Mandatory jurisdiction if sentence is more than 20 years, life imprisonment, or death.
- <sup>13</sup> Mandatory for certain original actions and appeals in workers’ compensation cases.
- <sup>14</sup> Except extradition and post-conviction review cases, which are discretionary.
- <sup>15</sup> Except workers’ compensation appeals, which are discretionary.
- <sup>16</sup> This court has mandatory jurisdiction over judicial tenure

- commission matters in which the commission has entered a disciplinary order.
- <sup>17</sup> Handled by a sentence review division.
- <sup>18</sup> Mandatory when there is a dissent in the appellate division or when substantial constitutional question of first impression is presented.
- <sup>19</sup> Original jurisdiction only in murder cases if life or death sentence imposed.
- <sup>20</sup> Guilty plea not allowed in capital cases. Discretionary on appeal from IAC in non-death cases.
- <sup>21</sup> Mandatory in capital cases only. Discretionary on appeal from IAC in non-death cases.
- <sup>22</sup> Includes cases assigned by the supreme court.
- <sup>23</sup> Court of appeals has no jurisdiction. May issue writs to give effect to its appellate jurisdiction.
- <sup>24</sup> Court of appeals can review these. If appealable, review is mandatory.
- <sup>25</sup> Mandatory jurisdiction in domestic relations appeals.
- <sup>26</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>27</sup> See 28 U.S.C. §§ 1291-1296 and the 1996 Prisoner Litigation Reform Act.

Legend:  
M – Mandatory  
D – Discretionary  
NJ – No Jurisdiction

**Table 1. – The Right to Appeal from Trial Court Judgment and Review of Interlocutory Orders**

<b>State</b>	<b>Right to appeal from trial court judgment</b>	<b>Method of obtaining appellate review of interlocutory orders</b>
<b>Alabama</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be appealed as provided by rule.
<b>Alaska</b>	Judgments of trial court may be appealed as matter of right in the court of appeals. Only superior court, not district court, cases can be appealed as a matter of right.	Interlocutory orders of trial court may be reviewed in the appellate court by filing a petition for review. Granting the petition is discretionary with the appellate court.
<b>Arizona</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for special action.
<b>Arkansas</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for writ or direct appeal on a very limited basis.
<b>California</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing of a petition for writ.
<b>Colorado</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be filed only by the state in criminal actions after certifying to trial court that the order is not taken for delay and that the evidence is a substantial part of proof of charge pending against defendant. It is done by filing notice of appeal. <sup>1</sup>
<b>Connecticut</b>	Final judgments of the trial court may be appealed as a matter of right in most cases or, in land use cases, by filing petition for leave to appeal to appellate court.	As a general rule, interlocutory orders of the trial court may be reviewed only after final judgment.
<b>Delaware</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a motion for leave to appeal.
<b>District of Columbia</b>	Final judgments of the trial court may be appealed as a matter of right or, in small claims and minor misdemeanors, by approval of an application for allowance of appeal in the court of appeals.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing an application for leave to appeal. Some interlocutory orders are appealable as of right.
<b>Florida</b>	Final judgments of the trial court may be appealed as a matter of right in death penalty and bond validation cases.	Interlocutory orders of the trial courts and administrative agencies may be reviewed in the appellate court by filing a petition for writ or as otherwise permitted in specific instances by the FL Rules of Appellate Procedure.
<b>Georgia</b>	Final judgments of the trial court may be appealed as a matter of right, except for denials of habeas corpus in some cases, decisions of the superior court reviewing rulings of certain administrative agencies and lower courts, and judgments in domestic relations matters, in which cases application to appeal must first be granted by the appellate court. <sup>2</sup>	Some interlocutory orders of the trial court are appealable as a matter of right others may be reviewed at the discretion of the appellate court, by obtaining a certificate of immediate review from the trial court and filing application for interlocutory appeal in the proper appellate court.
<b>Hawaii</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a motion for leave to appeal in the trial court.
<b>Idaho</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for review, petition for writ, motion for permission to appeal, or petition to appeal by certification. Original proceedings are filed directly with the supreme court.

Table 1.3 – The Right to Appeal from Trial Court Judgment and Review of Interlocutory Orders (continued)

<b>State</b>	<b>Right to appeal from trial court judgment</b>	<b>Method of obtaining appellate review of interlocutory orders</b>
<b>Illinois</b>	Final judgments of the trial court may be appealed as a matter of right in cases where there is a judgment declaring statute unconstitutional or judgment of conviction where death penalty is imposed.	Interlocutory orders of the appellate court may be reviewed in the supreme court by filing a petition for leave to appeal.
<b>Indiana</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a praecipe or petition to entertain jurisdiction.
<b>Iowa</b>	Final judgments of the trial court may be appealed as a matter of right. Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for discretionary review, petitions for writ, or motion for leave to appeal.	A single-justice order may be reviewed by a three-justice panel upon motion of a party.
<b>Kansas</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a motion for leave to appeal. Criminal interlocutory orders may be appealed by the prosecution as a matter of right, when the trial court quashes a warrant or a search warrant or suppresses a confession or admission.
<b>Kentucky</b>	Final judgments of the trial court may be appealed to the court of appeals as a matter of right. Final judgments may be appealed to the supreme court as a matter of right in criminal cases with sentences of death, life imprisonment, or imprisonment for 20 years or more. Final judgments of the trial court may also be appealed on motion for the transfer of cases to the supreme court and approval of that court, as well as on motion for discretionary review of a court of appeals decision and approval of the supreme court.	Interlocutory orders of the trial court are not reviewable by the appellate court except as specifically allowed by statute, court rule, and case law.
<b>Louisiana</b>	Final judgments of the trial court may be appealed as a matter of right. In certain cases such as capital, statute held unconstitutional, public service, other appeals of right go to IACs.	Interlocutory orders of the trial court and IAC may be reviewed in the supreme court by filing a petition for writ.
<b>Maine</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court on “report” by trial judge or upon motion of aggrieved party. The granting of such motions is discretionary with trial judge.
<b>Maryland</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court on appeal from final judgment. <sup>3</sup>
<b>Massachusetts</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court where statutory authority allows.
<b>Michigan</b>	Most final judgments of the trial court may be appealed as a matter of right to the court of appeals.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing an application for leave to appeal to court of appeals.
<b>Minnesota</b>	Final judgments of the trial court may be appealed as a matter of right (most frequently) or by filing a motion for leave to appeal and upon approval of the appellate court for certain cases (not many).	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a motion for leave to appeal.
<b>Mississippi</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing of a motion for leave to appeal and instructions by chancellor.



Table 1.3 – The Right to Appeal from Trial Court Judgment and Review of Interlocutory Orders (continued)

State	Right to appeal from trial court judgment	Method of obtaining appellate review of interlocutory orders
<b>Missouri</b>	Final judgments of the trial court may be appealed as a matter of right. Certain interlocutory orders in criminal cases may also be appealed.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for writ.
<b>Montana</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for writ of supervisory control.
<b>Nebraska</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the supreme court by only one judge (pursuant to statute) rather than the full court.
<b>Nevada</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for writ and by rule.
<b>New Hampshire</b>	Final judgments may be appealed, but the supreme court may summarily affirm or reverse, without briefing or oral argument.	Interlocutory order may be reviewed upon filing of an interlocutory appeal statement, signed by trial court, but the supreme court may decline to accept such an appeal.
<b>New Jersey</b>	Final judgments of the trial court may be appealed to the IAC as a matter of right. In the COLR, it is discretionary.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a motion for leave to appeal.
<b>New Mexico</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a motion for leave to appeal.
<b>New York</b>	Some final judgments of the trial court may be appealed as a matter of right. Most interlocutory orders of the trial court are appealable as of right to the appellate division others, by leave only.	Appeals of interlocutory orders to the court of appeals can be had usually by leave of the appellate division. Appeals to the COLR may be taken from final orders of the IAC when there are two dissents or there is the direct involvement of a substantial constitutional question.
<b>North Carolina</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for writ.
<b>North Dakota</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders may only be reviewed if authorized by law. Some orders are specifically appealable under law.
<b>Ohio</b>	Final judgments of the trial court may be appealed as a matter of right, if filed within rule, or by filing a motion for leave to appeal and upon approval of the appellate court, if not filed within rule.	Not applicable.
<b>Oklahoma</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for writ, petition in error, or petition for certiorari.
<b>Oregon</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for writ.
<b>Pennsylvania</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for permission to appeal or a petition for review.

Table 1.3 – The Right to Appeal from Trial Court Judgment and Review of Interlocutory Orders (continued)

<b>State</b>	<b>Right to appeal from trial court judgment</b>	<b>Method of obtaining appellate review of interlocutory orders</b>
<b>Rhode Island</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a petition for writ of certiorari.
<b>South Carolina</b>	Final judgments of the trial court may be appealed as a matter of right, except that in post-conviction relief, review is sought by petition for writ of certiorari.	Interlocutory orders of the trial court are generally not appealable until after final judgment.
<b>South Dakota</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the supreme court by filing a petition for permission to take a discretionary appeal.
<b>Tennessee</b>	Final judgments of the trial court may be appealed as a matter of right (Rule 7 – Stay of Judgment).	Interlocutory orders of the trial court may be reviewed in the appellate court by filing an application pursuant to Rules 9 or 10 of the Tennessee Rules of Appellate Procedure.
<b>Texas</b>	Final judgments of the trial court may be appealed as a matter of right. <sup>4</sup>	The supreme court reviews final judgments of IACs by petition for review. Some interlocutory orders may be reviewed on motion to the supreme court.
<b>Utah</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of a trial court may be removed by filing a petition for permission to take appeal. Granting of petition is within discretion of appellate court.
<b>Vermont</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court by filing a motion for leave to appeal or by agreement of the parties and trial judge.
<b>Virginia</b>	In the supreme court, as a matter of right, a party may petition for an appeal from a final judgment of the trial court, but the case is reviewed by the full appellate court only if a panel of three or more justices grants such review. In the court of appeals, as a matter of right a party may petition for an appeal from a final judgment of the trial court in a criminal case. An appeal is permitted as a matter of right in the supreme court from a final judgment of the State Corporate Commission and in attorney discipline cases, and a sentence of death in a criminal case is automatically reviewed. An appeal is permitted as a matter of right in the court of appeals from final judgments of the trial court in domestic relations cases and administrative agency cases and from final judgments of the Workers' Compensation Commission in compensation cases.	In the supreme court in chancery cases, certain interlocutory decrees of the trial court may be reviewed (by a panel of justices) by filing a petition for appeal. In the court of appeals, certain interlocutory orders may be appealed as a matter of right in domestic relations cases or compensation cases.
<b>Washington</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the appellate court as a matter of discretion.
<b>West Virginia</b>	Final judgments of the trial court may be appealed by filing a petition and record. There are no automatic appeals. They are entirely discretionary with the court.	Interlocutory appeals of the trial court may be reviewed in the appellate court the same as regular appeal, but are permitted only in instances specified by statute.
<b>Wisconsin</b>	Final judgments of the trial court may be appealed as a matter of right.	Interlocutory orders of the trial court may be reviewed in the court of appeals upon granting of a petition for leave to appeal.
<b>Wyoming</b>	Final judgments of the trial court may be appealed as a matter of right.	The appellate court may review interlocutory orders of the trial court by filing a petition for writ.

Table 1.3 – The Right to Appeal from Trial Court Judgment and Review of Interlocutory Orders (continued)

State	Right to appeal from trial court judgment	Method of obtaining appellate review of interlocutory orders
<b>Federal</b>		
U.S. Supreme Court	Petitions for certiorari may be filed only from a judgment entered by a state court of last resort or a United States Court of Appeals.	Petitions for certiorari may be filed only from a judgment entered by a state court of last resort or a United States Court of Appeals.
U.S. Courts of Appeals	Final judgments of the lower court may be appealed as a matter of right.	In civil cases, interlocutory orders of the lower court may be reviewed in the appellate court by filing a motion for leave to appeal. Some interlocutory orders are appealable as a matter of right.
U.S. Air Force Court of Criminal Appeals	Appeals from trial court are automatic for cases in which the sentence approved extends to death or in which the sentence approved includes dismissal, dishonorable, or bad-conduct discharge from the service or confinement for a year or more.	Interlocutory orders of the lower court may be reviewed by filing a motion for leave to appeal.
U.S. Army Court of Criminal Appeals	Appellate review is automatic in most cases; otherwise, there is no appeal, but case may be reviewed in Office of Judge Advocate General.	By statute, certain rulings of the trial judge terminating the proceedings or excluding critical evidence may be appealed by the prosecution to the court of criminal appeals. Otherwise, appeal by either party is by petition for extraordinary relief.
U.S. Court of Veterans Appeals	Final judgments are appealed as a matter of right (by claimant only).	Not applicable.

**Endnotes**

<sup>1</sup> Refers only to search and seizure issues.

<sup>2</sup> Appeals from judgments with damages of \$10,000 or less (but not more) by discretionary applications.

<sup>3</sup> A party may appeal some interlocutory orders in civil cases.

<sup>4</sup> Some interlocutory trial court orders in civil cases may be appealed as well.

**Table 1.4 – Appellate Courts Responsible for Hearing Appeals of Administrative Agency Decisions**

State	Medical malpractice	Workers' compensation	Public service	Unemployment insurance	Public welfare	Insurance	Tax review	Other agencies
Alabama	–	–	COLR	–	–	–	–	–
Alaska	–	–	–	–	–	–	–	–
Arizona	–	IAC/COLR <sup>1</sup>	–	IAC	–	–	–	–
Arkansas	–	IAC	IAC	IAC	–	–	–	–
California	–	IAC	COLR/IAC	–	–	–	–	–
Colorado	IAC	IAC	COLR	IAC	IAC	IAC	IAC	IAC
Connecticut	–	IAC	–	–	–	–	–	–
Delaware <sup>2</sup>	–	–	–	–	–	–	–	–
District of Columbia	COLR	COLR	COLR	COLR	COLR	–	–	COLR <sup>3</sup>
Florida	– <sup>4</sup>	IAC	COLR	IAC	IAC <sup>5</sup>	IAC	IAC	IAC
Georgia	–	–	–	–	–	–	–	–
Hawaii	COLR	COLR <sup>6</sup>	COLR <sup>6</sup>	COLR <sup>6</sup>	–	–	– <sup>7</sup>	COLR <sup>6</sup>
Idaho	–	COLR	COLR	COLR	–	–	–	–
Illinois	–	IAC	IAC	–	–	–	–	IAC
Indiana	–	IAC	IAC	IAC	–	–	NA <sup>8</sup>	–
Iowa	–	–	–	–	–	–	–	–
Kansas	–	IAC	– <sup>9</sup>	–	–	–	IAC	COLR
Kentucky	–	COLR	–	–	–	–	–	–
Louisiana	–	IAC	COLR	–	–	–	–	IAC
Maine	–	COLR	COLR	–	–	–	–	–
Maryland	–	–	–	–	–	–	–	–
Massachusetts	–	IAC, then COLR	–	–	–	–	–	–
Michigan	–	IAC	IAC	IAC	–	–	IAC	IAC
Minnesota	–	COLR	IAC	IAC	–	–	COLR	–
Mississippi	–	–	COLR	–	–	–	–	–
Missouri	–	IAC	–	IAC	–	–	–	IAC
Montana	–	–	–	–	–	–	–	–
Nebraska	–	IAC	–	–	–	–	–	–
Nevada	–	–	–	–	–	–	–	–
New Hampshire	–	COLR	COLR	COLR	– <sup>10</sup>	COLR	COLR	COLR
New Jersey	–	IAC <sup>11</sup>	IAC <sup>11</sup>	IAC <sup>11</sup>	IAC <sup>11</sup>	IAC <sup>11</sup>	IAC <sup>12</sup>	IAC <sup>11</sup>
New Mexico	IAC	IAC	COLR	IAC	IAC	IAC	IAC	IAC
New York <sup>13</sup>	–	IAC	IAC	IAC	IAC	IAC	IAC	IAC
North Carolina	–	IAC	IAC	–	IAC	IAC	IAC	– <sup>14</sup>
North Dakota	–	COLR	COLR	COLR	COLR	COLR	COLR	COLR
Ohio	–	–	–	–	–	–	COLR/IAC	COLR
Oklahoma	–	–	COLR/IAC	COLR/IAC	–	COLR	COLR/IAC	–
Oregon	–	IAC	IAC	IAC	IAC	IAC	COLR	IAC
Pennsylvania	–	IAC <sup>15</sup>	IAC	IAC	IAC	IAC	IAC	IAC
Rhode Island	–	COLR	COLR	–	–	–	–	–
South Carolina	–	–	–	–	–	–	–	–
South Dakota	–	–	–	–	–	–	–	–
Tennessee	–	–	IAC	–	–	–	–	–
Texas	–	–	–	–	–	–	–	–
Utah	–	IAC	COLR	IAC	–	–	COLR	COLR/IAC
Vermont	–	COLR	COLR	COLR	–	–	COLR	COLR
Virginia	–	IAC	–	–	–	COLR	–	–
Washington	–	–	–	–	–	–	–	–
West Virginia	NA	COLR	COLR	–	–	–	–	– <sup>16</sup>
Wisconsin	–	–	–	–	–	–	–	–
Wyoming	–	–	–	–	–	COLR	–	–
Federal <sup>17</sup>	–	–	–	–	–	–	–	–

Note: For information on which trial courts hear administrative agency appeals, see *State Court Organization, 1998*.

Table 1.4 – Appellate Courts Responsible for Hearing Appeals of Administrative Agency Decisions (continued)

**Endnotes**

<sup>1</sup> COLR hears cases on appeal from IAC.

<sup>2</sup> Administrative Board cases go to the superior court in the first instance.

<sup>3</sup> COLR if agency provided trial-type hearing in a contested case; otherwise, it is general jurisdiction court.

<sup>4</sup> Supreme court has discretion to hear decisions of great public importance that affect proper administration of justice. Action concerning medical licensing disciplinary proceedings by the Department of Professional Regulation are appealed to IAC.

<sup>5</sup> Appeals of final agency action regarding recovery of overpayments of welfare fraud are heard by IAC.

<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.

<sup>8</sup> Tax Court (IAC).

<sup>9</sup> Rate cases to IAC.

<sup>10</sup> By petition for writ of certiorari to superior or supreme court (concurrent jurisdiction).

<sup>11</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>12</sup> Appeals from county boards of taxation are heard by the tax court, which is a limited jurisdiction court. Other tax matters are heard in law division and appealed to appellate division.

<sup>13</sup> Challenges to final decisions of all administrative agencies go to the supreme court in Article 78 proceedings.

<sup>14</sup> Superior Court; some to IAC. COLR hears general rate cases from utilities commission.

<sup>15</sup> Commonwealth court (intermediate appellate court).

<sup>16</sup> Appeals from Human Rights Commission may be brought in the first instance in either the courts of general jurisdiction or in the supreme court, depending on procedure used at administrative level.

<sup>17</sup> Judicial review of decisions by federal administrative agencies is usually defined by specific statutory authority relating to those agencies.

**Table 1. – Appellate Procedures Relating to Sentencing and Post-Conviction Relief**

State	Appellate review of contentions of excessive sentences	Determination of sentence lengths in criminal cases	Filing of petitions for post-conviction relief	Use of approval forms for post-conviction relief
<b>Alabama</b>	Appellate court reviews contentions of excessive sentence in criminal cases to the extent allegations are made that the sentence exceeds maximum allowed.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge, or in some cases, a mandatory minimum time is set by statute.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the appellate court only by appeal.	Petitions for post-conviction relief must be filed on the form prescribed by Rule 32 of the Alabama Rules of Criminal Procedure.
<b>Alaska</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence. Review of right in IAC of jail sentences more than 2 years in felonies, more than 120 days in misdemeanors. For lower sentences, may petition to COLR.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed initially in the trial court.	–
<b>Arizona</b>	Appellate court review in criminal cases includes a review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions provided by law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable by the appellate court by appeal. The supreme court also has original jurisdiction in habeas corpus petitions. Review of post conviction petitions in death penalty cases are in the supreme court.	Petitions for post-conviction relief may be prepared on a form previously approved by the court.
<b>Arkansas</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions provided by law, by the jury, except on guilty pleas.	–	Petitions for post-conviction relief are accepted in any form.
<b>California</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined within the provisions of law by the Community Release Board. The trial court judge applies the determinate sentence statutes of the state of California.	Petitions for post-conviction relief must be prepared on a form previously approved by the Judicial Council. It should first be filed in the trial court but may also be filed in the court of appeal or supreme court.	Petitions for post-conviction relief must be prepared on a form previously approved by the Judicial Council.
<b>Colorado</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions of post-conviction relief must be filed in the trial court and are reviewable in the appellate court only by appeal.	No forms are provided.
<b>Connecticut</b>	The sentence review division of the superior court reviews claims of excessive sentences in criminal cases.	The length of sentence in criminal cases is determined, within the provisions provided by law, by the trial court judge.	Petitions for post-conviction relief may be filed in the trial court initially and are reviewable by the appellate court only on appeal.	There is no prescribed form.

Table 1.5 – Appellate Procedures Relating to Sentencing and Post-Conviction Relief (continued)

State	Appellate review of contentions of excessive sentences	Determination of sentence lengths in criminal cases	Filing of petitions for post-conviction relief	Use of approval forms for post-conviction relief
<b>Delaware</b>	Appellate court review in criminal cases does not include review of contentions of sentences within statutory guidelines.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief are filed in the trial court and are reviewable in the supreme court only by appeal.	The trial court has a form. The supreme court appeal forms are the same for direct and post-conviction relief appeals.
<b>District of Columbia</b>	Appellate court review in criminal cases does not include review of sentences within the statutory limits.	The length of sentence is determined, within the provisions of law, by the trial court judge except for mandatory minimums.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the court of appeals.	–
<b>Florida</b>	Appellate court review in criminal cases does include review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the appellate court only by appeal.	There is no approved form.
<b>Georgia</b>	Appellate court review in criminal appeals does not include review of contentions of excessive sentence. These go to the sentence review panel.	The length of sentence in criminal cases is determined within the provisions of law, by the trial judge, except a jury decides whether or not to give a death sentence or sentence of life without parole.	Petitions for post-conviction relief are to be filed in the trial court and are reviewable in the supreme court only by application and appeal.	–
<b>Hawaii</b>	Supreme court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief may be filed in the trial court.	Petitions for post-conviction relief may be prepared in letter form. Court forms are available and published in the rules.
<b>Idaho</b>	Supreme court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge and the board of probation and parole.	Petitions for post-conviction relief may be filed in the trial court and are reviewable by the supreme court or court of appeals only on appeal.	There is a form in the rules of criminal procedure.
<b>Illinois</b>	Supreme court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in trial court and are reviewable in the appellate court only by appeal. In capital case, reviewable directly by COLR.	–
<b>Indiana</b>	Supreme court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in trial court.	–

Table 1.5 – Appellate Procedures Relating to Sentencing and Post-Conviction Relief (continued)

State	Appellate review of contentions of excessive sentences	Determination of sentence lengths in criminal cases	Filing of petitions for post-conviction relief	Use of approval forms for post-conviction relief
<b>Iowa</b>	Supreme court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined by the trial court judge. The parole board determines the portion of the sentence to be served before release or parole.	Petitions for post-conviction relief must be filed in trial court and are reviewable by the supreme court only by direct appeal. A challenge to reduction of sentence however, is appealable only by a petition for writ of certiorari.	–
<b>Kansas</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge. Sentencing guidelines sharply limit discretion.	Petitions for post-conviction relief must be filed in trial court and are reviewable by the appellate courts only by appeal.	Form of petition for post-conviction relief is a special statutory provision.
<b>Kentucky</b>	Supreme court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined by the jury if conviction is by trial and by trial court judge if conviction is by plea (in either case within the range provided by law).	Petitions for post-conviction relief must be filed in trial court and are reviewable by the court of appeals only by appeal. Supreme court hears appeals in death cases.	–
<b>Louisiana</b>	es	Length of sentence in criminal cases is decided by the trial judge.	es	es
<b>Maine</b>	A separate three-judge sentence review panel of the supreme judicial court reviews propriety of sentences for one year or more.	Sentence review panel decides whether or not to grant plenary review.	Petitions for post-conviction relief are filed in the trial court. Review of denial of petition is discretionary.	–
<b>Maryland</b>	Supreme court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable by the appellate court only by application for leave to appeal.	The original transcripts are returned to the trial court when the case is completed and mandated. No briefs are filed in applications for leave to appeal.
<b>Massachusetts</b>	Appeal of sentence is to three-judge panel of trial court. Sentence reduced in supreme judicial court only if charge reduced and then resentence is in trial court.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief may be filed either in the trial court or the appellate court.	The format is outlined in the court rules.
<b>Michigan</b>	Review by judge panel.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief may be filed in the trial court and are reviewable by the appellate court only by appeal.	No



Table 1.5 – Appellate Procedures Relating to Sentencing and Post-Conviction Relief (continued)

State	Appellate review of contentions of excessive sentences	Determination of sentence lengths in criminal cases	Filing of petitions for post-conviction relief	Use of approval forms for post-conviction relief
<b>Minnesota</b>	Supreme court review in criminal cases does not include review of contentions of excessive sentence under Sentencing Guidelines Act.	The length of sentence in criminal cases is determined by the trial court judges within the Sentencing Guidelines Act.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the supreme court only by appeal.	–
<b>Mississippi</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewed by the supreme court only by appeal.	–
<b>Missouri</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence, but rarely does.	The length of sentence in criminal cases is determined, within the provisions of law, by the jury or by the trial judge if jury cannot agree. Trial judge can reduce jury-imposed sentence. No jury sentencing if defendant is prior offender.	Petitions for post-conviction relief must be filed in the trial court and are reviewed by the appellate courts only by appeal.	–
<b>Montana</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence (sentence review board).	The length of sentence in criminal cases is determined, within the provisions of law, by the jury or by the trial judge.	Petitions for post-conviction review can be filed in the district court.	–
<b>Nebraska</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence. These cases are fast-tracked, and there is no oral argument.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewed only by appeal.	–
<b>Nevada</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence and is mandatory in capital cases.	The length of sentences in criminal cases is determined within the provisions of law, by the jury or by the trial judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewed by the supreme court only by appeal.	Form set by statute.
<b>New Hampshire</b>	Supreme court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provision of law, by the trial court judge, subject in most cases to review and modification by the sentence review division or an appeal.	Petitions for post-conviction relief may be filed in either the trial court or the supreme court.	–
<b>New Jersey</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence. Sentence-only appeals proceed in IAC without formal briefs.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable by the appellate court only by appeal.	–

Table 1.5 – Appellate Procedures Relating to Sentencing and Post-Conviction Relief (continued)

State	Appellate review of contentions of excessive sentences	Determination of sentence lengths in criminal cases	Filing of petitions for post-conviction relief	Use of approval forms for post-conviction relief
<b>New Mexico</b>	Supreme court entertains all petitions challenging incarceration.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must first be filed in the trial court.	The supreme court publishes all civil and criminal forms on <i>New Mexico Law on Disc</i> and in official softbound volumes.
<b>New York</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence. COLR does not review excessiveness in non-capital cases.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the IAC by leave of a justice of the IAC, except in capital cases, where there is an appeal of right to COLR.	–
<b>North Carolina</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence under presumptive sentencing statutes.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court but may be reviewed in the appellate court by petition.	–
<b>North Dakota</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge after pre-sentence investigation.	Petition for post-conviction relief must be filed in the trial court before it is filed in the supreme court.	–
<b>Ohio</b>	Appellate court review in criminal cases sometimes includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable by the appellate court only on appeal.	–
<b>Oklahoma</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge and jury.	Petitions for post-conviction relief must be filed in the trial court and are reviewable by the appellate court only on appeal.	–
<b>Oregon</b>	Appellate court review in criminal cases does not include review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable by the appellate court only on appeal.	–
<b>Pennsylvania</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the appellate court only by appeal.	A defendant may use a preprinted form.
<b>Rhode Island</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the appellate court only by appeal.	Must be prepared in a form previously approved by the court.

Table 1.5 – Appellate Procedures Relating to Sentencing and Post-Conviction Relief (continued)

State	Appellate review of contentions of excessive sentences	Determination of sentence lengths in criminal cases	Filing of petitions for post-conviction relief	Use of approval forms for post-conviction relief
<b>South Carolina</b>	Trial court is given broad discretion. Appellate court reviews whether the sentence exceeds the statutory minimum.	The trial court determines the sentence within the provisions of law.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the supreme court only on granting of petition for certiorari.	Must be prepared in a form approved by the appellate court.
<b>South Dakota</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge unless judge imposes indeterminate sentence, in which case it is determined by parole board.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the appellate court by appeal only if certificate of probable cause is issued.	–
<b>Tennessee</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable by the appellate courts only on appeal.	–
<b>Texas</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined by the trial court judge or by a jury.	Petitions for post-conviction relief must be filed in the trial court and are reviewable by the court of criminal appeals.	–
<b>Utah</b>	Appellate court review in criminal cases does include review of contentions of excessive sentence.	The length of sentence in criminal cases is determined by the trial court judge within provisions of the law.	Generally must be filed in trial court unless trial court unavailable or other exigent circumstances exist.	–
<b>Vermont</b>	Appellate court review in criminal cases can include review of contentions of excessive sentence.	The length of sentence in criminal cases is determined by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable by the appellate court only on appeal.	–
<b>Virginia</b>	In criminal cases, appellants often raise arguments that their sentences are excessive and the court reviews those arguments. However, Virginia does not participate in a proportionality review of the sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge and jury.	Petitions for post-conviction relief must be filed in either the trial court or the supreme court unless exceptional circumstance permit the filing of the petition in the court of appeals.	Habeas corpus forms for use by prisoners is set out in the Virginia Code.
<b>Washington</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	Sentences are set by sentencing guidelines.	Personal restraint petitions may be filed in the appellate court.	Form is by court rule.

Table 1.5 – Appellate Procedures Relating to Sentencing and Post-Conviction Relief (continued)

State	Appellate review of contentions of excessive sentences	Determination of sentence lengths in criminal cases	Filing of petitions for post-conviction relief	Use of approval forms for post-conviction relief
<b>West Virginia</b>	Appellate court review in criminal cases does not include review of contentions of excessive sentence.	–	Petitions for post-conviction relief may be filed in either the trial court or the supreme court of appeals.	–
<b>Wisconsin</b>	Appellate court review in criminal cases includes review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the trial court judge.	Petitions for post-conviction relief must be filed in the trial court and are reviewable in the appellate court only by appeal.	–
<b>Wyoming</b>	Appellate court review in criminal cases does not include review of contentions of excessive sentence.	The length of sentence in criminal cases is determined, within the provisions of law, by the district court judge.	Petitions for post-conviction relief must be filed in the district court and are reviewable in the appellate court only by appeal.	Form is unspecified.
<b>Federal</b>				
U.S. Supreme Court	Not applicable.	Not applicable.	Not applicable.	The court has a form petition for certiorari that may be used by petitioners filing on the in forma pauperis docket.
U.S. Courts of Appeals	Appellate court review in criminal cases includes review of sentences within the statutory limits.	The length of sentence is determined within the provisions of the law by the lower-court judge and is subject to review under sentencing guidelines.	Not applicable.	Not applicable.
U.S. Air Force Court of Criminal Appeals	Court is required to review a sentence as well as findings of guilt and may affirm only a sentence found correct both in law and fact.	Sentence maximums are set by the Uniform Code of Military Justice. Sentence is adjudged by either court members (jury) or the military trial judge, depending on the choice of forum made by the defendant.	Petitions for post-conviction relief are filed in the trial court until such time as the record has been authenticated (perfected) and/or the convening authority has taken action. <sup>1</sup>	Not applicable.
U.S. Army Court of Criminal Appeals	Court is required to review a sentence as well as findings of guilty and may affirm only a sentence found correct both in law and fact.	The sentence is determined by the trial judge if a bench trial; otherwise, by the members of the court-martial.	Petitions for post-conviction relief are filed with the court of criminal appeals pursuant to the All rights Act.	Not applicable.

**Endnotes**

<sup>1</sup> No proceeding in revision may be held when any part of the sentence has been ordered executed. Post-conviction relief petitions may also be filed pursuant to the All rights Act.

**Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record**

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>Alabama</b>	The notice of appeal is filed in writing with the clerk of the trial court within 42 days after entry of judgment unless otherwise provided. Petition for certiorari may be filed within 14 days after rehearing is overruled by court of appeals.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	Appellant must file a designation of record in civil cases with the trial court within 7 days after filing the notice of appeal.	The trial court pleadings (not including reporter's transcript of testimony) come to the appellate court in the form of photocopied parts as the parties designate of the original documents, written charges, papers, etc., including exhibits, dockets and minutes, indices, etc.
<b>Alaska</b>	The notice of appeal is filed in writing with the appellate court within 30 days after judgment, except 15 days in misdemeanors and child custody appeals.	The entire trial court file.	Since the entire trial court file is the record on appeal, no designation is necessary. But designation of parts of electronic record to be transcribed must be filed with notice of appeal.	The trial court pleadings (not including reporter's transcript of testimony) come to the appellate court.
<b>Arizona</b>	The notice of appeal is filed in writing with the trial court within 30 days after judgment in civil cases and 20 days after entry of judgment in criminal cases. An appeal is automatic if there is a death sentence.	Content of normal record on appeal is specified by rule in both civil and criminal appeals with provision for additions and deletions by counsel.	Counsel may designate additional portions of the record not provided by rule.	Civil—original record is forwarded to appellate court. A copy is made for clerk's record. Criminal—3 copies are made of clerk's record: 1 to appellate court; 1 for attorney general; 1 for appellant. Original kept in trial court. In the supreme court for death penalty cases, one copy of the record is needed.
<b>Arkansas</b>	The notice of appeal is filed in writing within the trial court within 30 days after entry of judgment.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	Appellant must file a designation of record in civil cases with the trial court with notice of appeal.	The trial court pleading comes to the appellate court in the form of the entire original trial court file.
<b>California</b>	The notice of appeal is filed in writing with the trial court within 60 days after notice of entry of judgment in civil cases and 60 days after judgment in criminal and juvenile cases.	Only the content of the basic record is specified in the rules in civil cases. In criminal appeals, the normal record on appeal is specified in the rules.	Appellant must file a designation of record only in civil cases with the trial court within 10 days after filing the notice of appeal. No designation is required in criminal cases.	The trial court pleadings come to the appellate court in the form of clerk's transcript including selected portions of trial court file or by an appendix.
<b>Colorado</b>	The notice of appeal is filed with appellate court 45 days after entry of final judgment in trial court.	Content is specified by court rule.	Appellant must file a designation of record in civil cases with the trial court within 10 days after filing notice of appeal.	The trial court pleadings come to the appellate court in the form of the original trial court file as designated by counsel.
<b>Connecticut</b>	Generally, an appeal must be filed in writing with the trial court within 20 days after notice of judgment.	The content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	Appellant sends the clerk a designation of record of the trial court with notice of appeal.	The trial court pleadings come to the appellate court though selected portions of trial court file.
<b>Delaware</b>	The notice of appeal is filed in writing with the clerk of supreme court within 30 days after entry of judgment on docket or imposition of sentence.	Content of the normal record on appeal in both civil and criminal appeals includes original papers, exhibits, and designated transcript.	The entire lower-court record is sent (paper documents). It is up to the parties to designate transcript.	The trial court pleadings come to the appellate court in the form of the entire original trial court file.

Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record (continued)

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>District of Columbia</b>	The notice is filed within 30 days after judgment or order from trial court and 30 days from notice of agency decision (unless the statute provides for a different time period).	The record must include findings of fact and conclusions of law, if any; any written opinion of the trial court; the judgment or order appealed from; and the notice of appeal.	In appeals in which appellant has not been authorized to proceed without prepayment of costs, appellant must file a designation of record in civil cases with the trial court within 10 days after filing notice of appeal.	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.
<b>Florida</b>	The notice of appeal is filed in writing with the lower tribunal within 30 days after rendition of final decision, order, judgment of decree.	Content of normal record on appeal in both civil and criminal appeals is specified by court rules.	Appellant may file a designation of record in civil and criminal cases with the trial court within 10 days after filing notice of appeal.	The trial court pleadings come to the appellate court in the form of the entire original trial court file or a clerk's transcript.
<b>Georgia</b>	The notice of appeal is filed in writing with the trial court within 30 days after entry of judgment appealed. <sup>1</sup>	Content of the normal record on appeal in both civil and criminal appeals is as designated by the parties and required by the appellate courts. If the death penalty has been imposed, the complete record and transcript are required.	Appellant must file a designation of record as part of his notice of appeal. Appellee may file a designation of addenda.	The trial court pleadings come to the appellate court in the form of clerk's record including designated portions of trial court file.
<b>Hawaii</b>	The notice of appeal is filed in writing with the trial court within 30 days after entry of judgment.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules. It includes all papers filed in the case and all transcripts that have been ordered and paid for.	Appellant may file a designation of record in civil cases with the trial court within 10 days after filing the notice of appeal.	Transcripts of the oral testimony are prepared and/or certified by licensed court reporters.
<b>Idaho</b>	The notice of appeal is filed in writing with the district court within 42 days after judgment.	Content of the normal record on appeal in both civil and criminal cases is specified by court rules.	Appellant files a designation of record in civil and criminal cases with the trial court in the notice of appeal.	The trial court pleadings come to the appellate court in the form of clerk's records including selected portions of trial court file.
<b>Illinois</b>	The notice of appeal is filed in writing with the trial court within 30 days after judgment.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	Appellant must file a designation of record in civil cases with the trial court within 14 days after filing notice of appeal.	The trial court pleadings come to the appellate court in the form of the original trial court file.
<b>Indiana</b>	The record of proceedings is filed with the clerk of the supreme court and court of appeals within 90 days from the date the praecipe is filed in a noninterlocutory appeal. Praecipe must be filed within 30 days of judgment. In interlocutory appeals, praecipe must be filed within 30 days after the order being appealed is served. In permissive interlocutory appeals, the praecipe must be filed within 10 days after court of appeals accepts.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	Record is designated in praecipe filed with the trial courts.	The trial court pleadings usually come to the appellate court as part of the record of proceedings.

Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record (continued)

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>Iowa</b>	The appeal is filed in writing within 30 days after final judgment in civil and criminal cases.	Content of the normal record on appeal in both civil and criminal appeals is specified by appellate rules as the original papers and exhibits filed in the trial court, the transcript of proceedings, if any, and a certified copy of the docket and court calendar entries.	Unless the entire court reporter's transcript is ordered, appellant must file a description of the parts of the proceedings ordered transcribed in civil and criminal cases with the trial court clerk and the supreme court clerk within 4 days after filing notice of appeal.	The trial court pleadings usually come to the court in the form of the entire original or copy of the trial court file and appendix to appellate briefs consisting of relevant pleadings.
<b>Kansas</b>	The appeal is filed in writing with the district court within 30 days after entry of judgment in civil cases. Appellant must send a certified copy of notice of appeal and journal entry along with a docketing statement and docket fee to the appellate courts. In criminal cases, notice of appeal is within 10 days of sentencing in open court.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	No longer applies.	The trial court pleadings usually come to the appellate court in the form of the entire original trial court file.
<b>Kentucky</b>	The notice of appeal is filed in writing with the trial court within 30 days after judgment entry in civil cases and 10 days after judgment in criminal cases.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	Appellant must file a designation of record in civil and criminal cases with the trial court within 10 days after filing notice of appeal, only in regard to evidence or proceedings stenographically reported. The entire original record is automatically sent. <sup>2</sup>	If the circuit court is equipped to videotape proceedings, the tapes of the trial are used as the official record. Otherwise, a transcript of testimony must be prepared.
<b>Louisiana</b>	In the supreme court, the notice of appeal is filed in writing with the trial court within 30 days after refusal of new trial. In the courts of appeal, civil and criminal appeals are taken by written and oral motion. Civil–Devolutive: 60 days after expiration of delay for applying for a new trial or the refusal to grant a new trial. Suspensive: 30 days after expiration of delay for applying for a new trial or the refusal to grant a new trial. Criminal: 5 days from ruling on a motion to reconsider sentence or from judgment if no motion is filed.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	Designation of record is governed by statute and court rules. Party appealing has responsibility to designate record in compliance with statute and court rules.	A certified original copy of the trial court file is the record.
<b>Maine</b>	Written notice of appeal is filed with the trial court within 30 days (20 days in criminal cases) after judgment.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	The record is transmitted to the law court within 21 days of filing notice of appeal in all cases.	The original trial court file is sent to the appellate court.

Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record (continued)

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>Maryland</b>	The notice of appeal is filed in writing with the trial court within 30 days after final judgment. A petition for certiorari is filed in the Court of Appeals of Maryland.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	The entire record is sent to the appellate court except where parties stipulate otherwise under Rule 8-413(a)(3) or (b).	The trial court pleadings usually come to the appellate court in the form of the entire original trial court file and appendix to briefs consisting of pertinent pleadings.
<b>Massachusetts</b>	The notice of appeal is filed in writing with the trial court within 30 days after final judgment.	Content of the normal record on appeal in both civil and criminal appeals is specified by the appellate rules.	In the absence of agreement, appellant must provide counsel with a designation of the record, appendix, and issues within 10 days of receipt of notice of assembly of the record from the trial court clerk (not filed with appellate clerk).	The trial court pleadings usually come to the appellate court in the form of an appendix to briefs.
<b>Michigan</b>	The notice of appeal is filed in writing with the court of appeals within 21 days after judgment in civil cases and 42 days after judgment in criminal cases.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	In the supreme court, 24 copies of the brief and appendix containing relevant portions of the trial court record must be filed. In the court of appeals, 5 copies of the brief only. Also need the original transcript and record filed.	The trial court pleadings usually come to the appellate court in the form of the entire original trial court file.
<b>Minnesota</b>	The notice of appeal in civil cases is filed in writing with the trial court within 90 days after judgment or within 30 days after written notice of filing of order by adverse party. In criminal cases, the notice of appeal is filed in the district court within 90 days after the entry of judgment or order appealed from (in felony and gross misdemeanor). In misdemeanors, a petition for permission to appeal must be filed in district court.	Content of the normal record of appeal in both civil and criminal appeals is specified by court rules.	The record on appeal is filed in trial court and offered as exhibits and transcript.	The trial court pleadings usually come to the appellate court in the form of the entire original trial court file and appendix to briefs consisting of pertinent pleadings.
<b>Mississippi</b>	The notice of appeal is filed in writing with the trial court within 30 days after the final judgment in that court.	Content of the normal record on appeal in civil cases is not specified. The normal record on appeal in criminal cases is specified by court rules.	Appellant must file a designation of record in civil cases with the trial court within 7 days after filing the notice of appeal.	The trial court pleadings usually come to the appellate court in the form of clerk's transcript including selected portions of trial court file.
<b>Missouri</b>	The notice of appeal is filed in writing with the trial court within 10 days after judgment becomes final, except as otherwise provided by statute.	Content of the normal record on appeal in civil and criminal cases is specified by court rules, but attorneys have wide discretion in determining contents.	Appellant must order transcript from court reporter directly within 30 days after filing notice of appeal.	Copies of the trial court pleadings are contained in a file, and this file, together with the court reporter's transcript, constitutes the record on appeal.



Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record (continued)

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>Montana</b>	The notice of appeal is filed in writing with the trial court and supreme court within 30 days after judgment in civil cases and 60 days after judgment in criminal cases.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	No designation of record is required.	The original of the trial court file is sent.
<b>Nebraska</b>	The notice of appeal is filed in writing with the trial court within 30 days after final judgment.	Content of normal record on appeal in both civil and criminal appeals is specified by court rules.	Appellant must file a designation of record in civil and criminal appeals with the trial court with notice of appeal.	The trial court pleadings come to the appellate court in the form of a clerk's transcript including selected portions of trial court files.
<b>Nevada</b>	The notice of appeal is filed in writing with the trial court within 30 days after date of service of written notice of entry of judgment in civil cases and 30 days after entry of judgment in criminal cases.	Appellate court record prepared by counsel as appendix to briefs. Rules define content and form of appendix.	No designation of record is required. However, supreme court can order preparation and transmission of the trial court record.	Trial court pleadings submitted in form of joint or separate appendix or, if supreme court orders them, in form of certified copies of trial court record.
<b>New Hampshire</b>	The notice of appeal is filed in writing with the appellate court within 30 days of decision or sentencing.	The record on appeal in both civil and criminal appeals normally consists of the papers considered in the trial court proceedings and the transcript of those proceedings.	Appellant must initially designate the contents of the record on appeal.	The trial court pleadings may or may not come to the appellate court, depending on the particular case.
<b>New Jersey</b>	A notice of appeal, motion for leave to appeal, or petition for certification is filed in writing with the superior court, appellate division, or the supreme court within 45, 15, or 20 days, respectively.	Content of the normal record on appeal in civil cases is specified by court rules. Content of normal record on appeal in criminal cases is specified by court rules.	Designation of record is appellant's responsibility except in state agency appeals, which have a statement of the record, prepared by the attorney general's office.	The trial court pleadings (not including reporter's transcript of testimony) come to the appellate court in the form of appendix to briefs consisting of pertinent pleadings compiled by attorneys per rule of court.
<b>New Mexico</b>	A notice of appeal is filed in writing with the trial court within 30 days after entry of the judgment or decision in civil appeals. In criminal appeals, the notice of appeal must be filed within 10 days after the decision sought is reviewed.	Content of the normal record on appeal in both civil and criminal appeals is specified in appellate court rules.	Designation of record is the responsibility of trial counsel pursuant to appellate court rules.	The trial court pleadings come to the appellate court in the form of the entire original trial court file.
<b>New York</b>	A notice of appeal is filed in writing with the trial court within 30 days after service of the order appealed, with written notice of its entry.	Content of the normal record on appeal in both civil and criminal appeals is specified by statute.	By statute and court rule.	The trial court pleadings can come to the appellate court in the form of the entire original trial court file or in an appendix to briefs consisting of abstract of record (20 copies).

Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record (continued)

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>North Carolina</b>	A notice of appeal or petition for leave to appeal is filed in writing with the trial court. The time within which to file varies. <sup>3</sup>	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	Appellant must serve a proposed record on appellee(s) within time specified by court rules.	The trial court pleadings come to the appellate court in the form of a transcript of selected portions of trial court file prepared by appellant and agreed to by appellee.
<b>North Dakota</b>	A notice of appeal is filed in writing with the trial court within 60 days after service of notice of entry of judgment or order in civil cases or 10 days in criminal cases after entry of order or judgment.	Under Rule 10, NDRAPPP, the original papers and exhibits filed in the trial court, 3 copies of the transcript, if any, and a certified copy of the docket entries constitute the record on appeal.	Designation of the record is not required.	The trial court pleadings come to the appellate court in the form of the entire original trial court file and appendix to briefs consisting of pertinent pleadings.
<b>Ohio</b>	Notice of appeal is filed in supreme court within 45 days and with the IAC within 30 days of entry of judgment.	Content of the supreme court record on appeal is specified in supreme court rule. Content of the court of appeals normal record on appeal in both civil and criminal appeals is not specified by court rules.	Designation of record required in civil cases.	The trial court pleadings come to the appellate court in the form of the entire original trial court file.
<b>Oklahoma</b>	A petition of error is filed in the supreme court within 30 days after judgment. The notice of intent to appeal and designation of record filed are in writing with the trial court within 10 days after judgment, and a petition in error is filed in the court of criminal appeals within 6 months after judgment for a felony appeal and 120 days after judgment for a misdemeanor appeal.	Content of the normal record on appeal in both civil and criminal appeals is not specified by court rules.	Appellant must file a designation of record with the trial court when petition in error is filed with the designation of error.	In the supreme court, only designated parts of the original trial court record are prepared in printed or photocopied form. In the court of criminal appeals, the original and 1 copy of the trial court's record is prepared in photocopied form.
<b>Oregon</b>	The notion of appeal is filed in writing with the court of appeals within 30 days after judgment.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules.	Appellant must file a designation of record with the court with notice of appeal.	The trial court file and exhibits are sent to the supreme court and court of appeals record office at the end of the briefing process.
<b>Pennsylvania</b>	The notice of appeal is filed within 30 days of entry of judgment.	Content of the normal record on appeal in both civil and criminal appeals is specified by court rules. It routinely includes docket entries, all lower-court pleadings, record papers, and lower-court opinion and transcript.	The entire trial court record is normally transmitted to the appellate court.	The trial court pleadings come to the appellate court in the form of the entire original trial court file.
<b>Rhode Island</b>	The notice of appeal is filed in writing with the trial court within 20 days after entry of judgment.	Content of the normal record on appeal in civil and criminal cases is specified by court rules.	Appellant must file a designation of record in civil cases with the trial court within 10 days after filing notice of appeal.	The original trial court record serves as the record on appeal.

Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record (continued)

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>South Carolina</b>	The notice of appeal is filed with the supreme court and lower court within 10 days after service on opposing party. Service must be made on opposing party within 10 days in criminal cases and 30 days in civil cases after receiving written notice of a final order or judgment.	The parties designate the matter they wish to include in the record on appeal and generally are free to designate any matter presented to the lower court. The record typically includes pleadings, written motions, transcripts, trial exhibits, and orders or opinions of lower courts.	Each party must designate the matter to include in the record on appeal at the time of filing of an initial brief. Appellant must file an initial brief within 30 days after receiving a transcript of the trial or, if no transcript is necessary, within 30 days after service of notice of appeal. Respondent must file an initial brief within 30 days after service of appellant's initial brief.	An original and 14 copies of the clerk's transcript on appeal are agreed to and prepared in photocopied form.
<b>South Dakota</b>	The notice of appeal is filed in writing with the clerk of the trial court within 60 days after written notice of filing of order or judgment in civil actions and within 30 days of the filing or order of judgment in criminal actions.	Content of the normal record on appeal in civil and criminal cases is specified by court rules.	Not applicable.	The trial court pleadings, including reporter's transcript of testimony, come to the appellate court in the form of the entire original typewritten transcript.
<b>Tennessee</b>	The notice of appeal is filed with the trial court within 30 days after judgment.	Technical records, exhibits, transcripts of evidence, and content of the normal record on appeal is specified by court rules.	Appellant must file a designation of record in civil cases with the trial court if less than the full record is to go up.	The trial court pleadings come to the appellate court in the form of certified copy of all pleadings and minute entries, unless designation of the record made by attorneys, or the original trial court record.
<b>Texas</b>	Under new rules, the notice of appeal is filed within 30 days from date sentence is imposed or suspended in open court (criminal) or from date of judgment or date appealable order is signed (civil).	Clerk's record includes necessary papers from trial court clerk's file. Reporter's record is transcript from trial. Together they are the "appellate" record. Content of the new record on appeal for court of appeals in civil and criminal cases is specified by court rules.	Clerk's record: any time before it is prepared parties may request inclusion of items. Reporter's record: request preparation at or before time for perfecting appeal.	The trial court pleadings come to the appellate court in the form of clerk's record including selected portions of trial court files.
<b>Utah</b>	The notice of appeal is filed in the trial court within 30 days after date of entry of judgment; the time may be extended by trial court for up to 30 additional days.	Content includes original papers and exhibits filed in the trial court, the transcript of proceedings, if any, an index prepared by the clerk of the trial court, and the docket sheet.	Appellant must file a designation of record in civil cases in the trial court within 10 days after briefing completed.	No separate appellate record of trial court pleadings; original of trial court pleadings transmitted to appellate court as part of record on appeals.

Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record (continued)

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>Vermont</b>	The notice of appeal is filed in writing with the trial court within 30 days after entry of final judgment.	Content of the normal record on appeal in civil and criminal cases is specified by court rules.	Original trial court record used.	The trial court pleadings come to the appellate court in the form of the entire original trial court file and in printed case, to the extent attorneys deem relevant.
<b>Virginia</b>	The notice of appeal is filed in writing with the trial court within 30 days after final judgment is rendered, and a copy of the notice of appeal must be filed in the court of appeals within that same 30-day period.	Content of the normal record on appeal in civil and criminal cases is specified by court rules.	Appellant must file a designation of record in civil appeals with the appellate court within 10 days after the appeal is awarded if counsel agree on the designation. In the absence of agreement, appellant must file designation within 15 days after the appeal is awarded. In the court of appeals, designation must be filed within 15 days after record is received in an appeal of right; must be filed within 15 days after appeal is awarded in a criminal case.	Trial court pleadings come to appellate court in the form of the entire original trial court file.
<b>Washington</b>	The notice of appeal is filed in writing with the trial court within 30 days after judgment.	The basic content is governed by court rule and may consist of a report of proceedings, clerk's papers, exhibits, and a certified record of administrative judicial proceedings.	Appellant must file a designation of clerk's papers with the trial court within 30 days after filing notice of appeal and must file a statement in supreme court that arrangements have been made for the payment and preparation of the verbatim report within 45 days of filing the notice of appeal. In court of appeals, clerk's papers must be designated 15 days after review is accepted, and a statement that arrangements have been made for the preparation of the transcript must be filed 45 days after acceptance of review.	The trial court pleadings come to the appellate court in the form of clerk's papers.
<b>West Virginia</b>	Notice of appeal required in criminal cases only. Must be filed within 30 days of entry of final order.	The record on petition is designated by the petitioner and consists of selected portions of pleadings, papers, trial exhibits, orders, and transcript excerpts. The record on appeal consists of pleadings, papers trial exhibits, orders, and transcript excerpts as designated and cross-designated by the parties.	Designation of record is governed by rule. The parties may designate/cross-designate the record, jointly designate the record, or stipulate the record.	The original trial court record is sent to the appellate court as the record on appeal.

Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record (continued)

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>Wisconsin</b>	The notice of appeal is filed in writing with the trial court within 45 days after service of notice of entry of judgment or 90 days if no notice is given.	Content of the normal record on appeal in civil and criminal cases is specified by court rules.	The clerk of the trial court must file the record in civil cases with the appellate court within 20 days after filing of the transcript with the trial court.	Pleadings come in form of entire trial court file, unless parties agree by written stipulation that designated parts of the record need not be transmitted. Record must include material pleading or indictment, or information and pleas and motion; the notice of appeal with date of filing; and any verdict, findings of fact, conclusion of law, final order, judgment, sentence, and statement of issues.
<b>Wyoming</b>	The notice of appeal is filed in writing with the district court within 30 days after judgment of final order.	Content of the normal record on appeal in civil and criminal cases is specified by court rules.	Appellant must file a description of parts of transcript(s) he intends to include in record with the district court simultaneously.	Parties must designate only those portions of the record necessary to appeal but entire record in criminal cases.
<b>Federal</b> U.S. Supreme Court	Not applicable.	Not applicable.	The clerk of the court having possession of the record shall keep it until notified by the Clerk of this court to certify and transmit it.	Not applicable.
U.S. Courts of Appeals	The notice of appeal is filed in writing with the trial court within 10 days after judgment or order appealed from in criminal cases and within 30 days in civil cases. In criminal cases, the government has 30 days to file an appeal; in civil cases with a federal party, all parties have 60 days to appeal; petitions for review of agency orders are governed by various statutes.	The record of appeal consists of all original papers and exhibits filed in the lower court, plus transcripts and certified docket entries [FRAP 10(a)].	Appellant must file a statement of issues with the appellee within 10 days after filing notice of appeal. Designation is not required.	Original pleadings and transcript are sent to court of appeals for court's use during appeal and are returned to the district court after the appeal ends. Appellants are responsible for preparing excerpts of the record.
U.S. Air Force Court of Criminal Appeals	Notice of appeal is not required. Unless waived by the accused, appeals are automatic.	A complete record of the trial, including full transcript and evidence either admitted or excluded, and related papers, is prepared by the court reporter and authenticated.	Not applicable.	Only the original of the clerk's transcript and reporter's transcript are filed with the appellate court.
U.S. Army Court of Criminal Appeals	Notice of appeal is not required. Unless waived by the accused, appeals are automatic.	A complete record of the trial, including full transcript and evidence either admitted or excluded, and related papers, is prepared by the court reporter and authenticated.	Not applicable.	Only the original of the clerk's transcript and reporter's transcript are filed with the appellate court.

Table 2.1 – Initiating the Appellate Process: Notices of Appeal and Content of Appellate Record (continued)

State	Deadline and place to file notice of appeal	Basic content of appellate record	Designation of record on appeal	Appellate record of trial court pleadings
<b>Federal</b> U.S. Court of Veterans Appeals	The notice must be filed within 120 days of administrative order.	The record must include findings of fact and conclusions of law, if any; any written opinion of the lower court; the judgment or order appealed from; the notice of appeal; and all relevant evidence considered by the administrative board.	Appellee must file within 60 days.	Not applicable.

**Endnotes**

<sup>1</sup> In the court of appeals, notice of appeal or application in dispossary cases filed within 10 days.

<sup>2</sup> If the prehearing conference procedure applies, the designation is not filed until the appellate court removes the case from the procedure. No designation of the clerk's record is requested since the entire original record is moved forward.

<sup>3</sup> An appeal is taken in criminal cases by oral notice at judgment or filing notice of appeal within 10 days after a ruling on a motion. In civil cases, appeal from a judgment must be taken in writing within 30 days unless such time is followed by any applicable provision of Rule 50(b), 52(b), 58, or 59 of the Rules of Civil Procedure.

**Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record**

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
<b>Alabama</b>	The clerk's record is prepared by the trial clerk 28 days after filing notice of appeal. Reporter's transcript is to be completed by reporter within 56 days after notice of appeal has been filed. <sup>1</sup>	Fees for preparation of the record on appeal must be paid by appellant at the time of filing notice of appeal. In criminal cases fees are assessed if the conviction is affirmed and the appellant is not indigent.	The record on appeal must be completed within 7 days after the transcript of evidence is filed. The first extension of time for preparation of the record on appeal may be obtained from the trial court. Subsequent extensions must be obtained from the appellate court. Although the trial court can grant extension to the court reporter, it cannot grant extensions to the clerk for preparing the record on appeal.	Monitoring preparation of the record on appeal is the responsibility of appellant's counsel.
<b>Alaska</b>	The original trial court record must be numbered or prepared within 40 days after filing notice of appeal, except within 15 days in misdemeanors and sentence appeals and 30 days in child custody, and juvenile appeals.	Fees for preparation of the transcript on appeal must be paid by appellant.	Extensions of time for completion of the record on appeal may be obtained from the appellate court.	Responsibility for monitoring preparation of the record is up to the trial court clerk under supervision of the appellate court clerk.
<b>Arizona</b>	The record on appeal is prepared by the trial court clerk.	There is a fee for preparation of the record which is payable to the clerk of the trial clerk. No time period is provided for by rule or statute for payment of the fee.	The record on appeal must be completed within 40 days in civil appeals and 45 in criminal appeals after filing of notice of appeal. One extension of time for preparation of the record may be obtained from the trial court, with any extensions from the appellate court. Criminal extensions must be obtained from the appellate court.	Responsibility for monitoring preparation of the record on appeal is up to the trial clerk.
<b>Arkansas</b>	The record on appeal is prepared by the trial court clerk no later than 7 months from judgment.	Fees for preparation of the transcript on appeal must be paid by appellant as agreed with the trial court clerk and court reporter.	The record on appeal must be completed no later than 7 months from judgment. Extensions of time are obtained from the trial court.	Responsibility for monitoring preparation of the record is up to the trial attorney.
<b>California</b>	The record on appeal is prepared by the trial court clerk and court reporter within 30 days after payment of the estimated costs for preparation in civil appeals and within 20 days after notice in criminal appeals.	Fees for preparation of the record on appeal in civil appeals must be paid by appellant within 10 days after receipt of estimate of costs of preparation.	Extensions of time for completion of the record not exceeding 30 days may be obtained from the trial court for civil appeals. 90 days may be granted by stipulation. Extensions in criminal appeals and all other extensions must be obtained from the appellate court.	The trial court clerk and the appellate court clerk are responsible for monitoring preparation of the record on appeal to assure its prompt completion.

Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record (continued)

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
Colorado	The record on appeal is prepared by the trial court clerk within 90 days after filing of notice of appeal.	Fees for preparation of the record on appeal must be paid by appellant at the time of filing the notice of appeal or prior to certification.	Extensions of time may only be granted by the appellate court	The trial court clerk and the appellant's counsel are jointly responsible for monitoring timely preparation of the record on appeal.
Connecticut	The record on appeal is photocopied by the appellant after the original is provided by the appellate clerk.	There is no separate fee for the record.	The appellate clerk may give extensions for file the record.	Responsibility for preparation of the record is with the appellate clerk.
Delaware	The record on appeal is prepared by the trial court clerk and consists of the original papers plus an original reporter's transcript, is designated. It is filed within 10-40 days after receipt of notice of appeal.	Fees for preparation of the record on appeal must be paid by appellant to the trial court upon request.	Extensions of time for preparation of the record may be obtained from the supreme court.	Clerk of the supreme court and the trial court clerk are responsible for monitoring preparation of the record on appeal.
District of Columbia	In administrative appeals, the record prepared by the agency is due within 45 days from notice of the filing of petition for review. The record on appeal is prepared by the trial court clerk to be filed within 60 days after filing notice of appeal.	At the time of ordering the record, a party must make satisfactory arrangements with the reporter for payment of the cost of the transcript. In civil cases only, appellant pays 50 cents per page for 4 copies of the record. In a civil cross-appeal the parties split the costs.	Extensions of time for completion of the record may be obtained from the appellate court clerk.	The clerk of the court of appeals is responsible for monitoring preparation of the record to assure timely completion.
Florida	The record on appeal is prepared by the trial court clerk within 50 days after the notice of appeal has been filed.	Half is due at time of designation and the balance is due on deliverance of transcript.	The record on appeal must be completed and transmitted within 50 days for criminal cases and within 110 days in civil cases after filing of notice of appeal. Extensions of time for preparation of the record may be obtained from the court. The time for a filing of a record varies depending on the type of appeal.	Appellant's counsel is responsible for monitoring preparation by the trial clerk.
Georgia	The record on appeal is prepared by the trial court clerk within 5 days after the filing of the transcript or, where there is no transcript within 20 days after the filing of the notice of appeal.	Fees for preparation of the record on appeal must be paid or a pauper's affidavit filed by appellant before the record will be transmitted.	Extensions of time for completion of the record may be sought from the trial court.	Appellant's counsel is responsible for monitoring preparation of the transcript for appeal.
Hawaii	The record on appeal is prepared by the trial court clerk within 40 days after filing the notice of appeal. Extensions of time for completion of the record may be obtained from the trial court and the supreme court.	Fees for preparation of the record on appeal must be paid by the appellant at the time of filing the notice of appeal.	The record on appeal must be completed within 40 days after filing the notice of appeal. Extensions of time for completion of the record may be obtained from the trial court and the supreme court.	Appellant's counsel is responsible for monitoring preparation of the record on appeal.



Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record (continued)

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
<b>Idaho</b>	The record on appeal is prepared by the district court clerk within 14 days after the reporter's transcript is lodged.	Estimated fees for preparation of the record on appeal must be paid by appellant upon filing notice of appeal.	Extensions of time for completion of the record on appeals must be obtained from the supreme court clerk.	Responsibility for monitoring preparation of the record is that of the supreme court clerk.
<b>Illinois</b>	The record on appeal is prepared by the trial court clerk within 63 days after the notice of appeal unless the time is extended.	Fees for preparation of the record on appeal must be paid by appellant when the record is completed.	Extensions of time for completion of the record may be obtained from the reviewing court in all cases.	The trial court clerk is responsible for monitoring preparation of the record to assure prompt completion.
<b>Indiana</b>	The record on appeal is prepared by the trial court clerk and reporter within 90 days after praecipe is filed; within 30 days if an appeal of an interlocutory order.	Fees for preparation of the record on appeal are paid by appellant as agreed on with the reporter.	The record on appeal must be completed within 90 days after the praecipe is filed or within 30 days after the filing if an appeal of an interlocutory order. Extensions of time for completion of the record may be obtained from the appellate court.	Responsibility for monitoring preparation of the record on appeal is up to appellant's counsel.
<b>Iowa</b>	For civil and criminal: the calendar and docket entries are transmitted by the trial court clerk within four days after notice of appeal. Reporter files the transcript with the trial court clerk within the time for docketing. The remaining record is transmitted within seven days after service of the final required brief or sooner if requested by both parties.	Fees for preparation of the record on appeal are initially paid by appellant and taxed in the trial court. Printing costs for preparation of the appendix are initially paid by the appellant and are taxed in the appellate court.	Extensions of time for completion of the record on appeal may be obtained from the appellate court.	Responsibility for monitoring preparation of the record is up to appellant's counsel and the appellate court clerk.
<b>Kansas</b>	The record on appeal is compiled by the district clerk within 10 days notice from appellate courts that appeal has been docketed, but is not sent to appellate court until completion of briefing. Reporter's transcript must be filed within 40 days.	Appellant must pay fees for preparation of the record on appeal.	Extensions of time for completion of the record on appeal by the clerk of the district court may be obtained from the clerk of the appellate court.	Monitoring preparation to assure prompt preparation is the responsibility of appellant's counsel.
<b>Kentucky</b>	The record on appeal is prepared by the trial court clerk within 60 days after the notice of appeal. If a transcript is to be prepared the clerk must certify the record within 10 days of the filing of the transcript. If no transcript is to be prepared, the record must be prepared within 30 days of the notice of approval or exhaustion of the prehearing procedure.	Fees for preparation of the record on appeal must be paid by appellant.	Extensions of time for completion of the record on appeal may be requested from the appellate court.	The trial court clerk is responsible for monitoring preparation of the record to assure prompt completion. It is the appellant's responsibility to ensure the clerk performs in a proper and timely manner.

Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record (continued)

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
Louisiana	The record on appeal is prepared by the trial court clerk. The trial judge can give one 30-day extension. Future extensions must be granted by the appellate court.	Fees for preparation of the record on appeal must be paid by appellant within 20 days of the mailing of the notice of estimated cost.	Extensions of time for completion of the record on appeal may be obtained from the trial court or in criminal appeals from the appellate court. Trial court may grant one 30-day extension.	The trial court clerk is responsible for monitoring preparation of the record to assure its prompt completion.
Maine	–	Fees for preparation of the record on appeal must be paid by appellant.	–	Appellant’s counsel is responsible for preparation of the record to assure its timely completion. The actual work is done by trial court clerks.
Maryland	The record on appeal is prepared by the trial court clerk within 60 days after the notice of appeal in criminal appeals. In civil appeals it is 60 days from order, in child access, it is 30 days, and in applications for leave to appeal it is 30 days.	Fees for preparation of the record on appeal are paid by appellant.	Extensions of time for preparation of the record can be obtained from the appellate court.	Responsibility for monitoring preparation of the record to assure timely completion is up to appellant’s counsel.
Massachusetts	The record appendix is prepared by appellant’s counsel within 40 days after docketing appeal.	Not applicable.	The record appendix must be completed within 40 days after docketing. Extensions of time for preparation of the appendix may be obtained from the appellate court clerk upon motion for good cause shown.	Responsibility for monitoring preparation of the record to assure timely completion is up to appellant’s counsel.
Michigan	The record on appeal is prepared by the trial court clerk upon request of the appellate clerk after the briefs have been filed.	Fees for preparation of the record on appeal must be paid by appellant before the record is transmitted to the appellate court.	The original trial court record is sent only upon special request. Extensions of time for completion of the record may be obtained from the appellate court.	Responsibility for monitoring preparation of the record to assure timely completion is up to the appellant’s counsel.
Minnesota	The record on appeal, consisting of papers filed in trial court, offered exhibits and transcript, is sent to the supreme court at its request upon filing of a prehearing conference order which sets forth the transcript and printing time. If a transcript is to be prepared, the trial court holds the record until it is completed. In criminal cases, the supreme court clerk calls for the record upon filing of appellant’s brief. The court reporter can get extensions of time to complete the transcript.	There is no time limitation for completion of the record. It is agreed to between counsel and the court reporter.	Extensions of time for filing briefs may be obtained upon written recommendation of Commissioner’s Office and order issued by justice.	The Commissioner’s Office is responsible for monitoring preparation of brief to assure timely filing.

Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record (continued)

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
<b>Mississippi</b>	The record on appeal is prepared by the trial court clerk within 90 days after notice of appeal is filed.	Fees for preparation of the record on appeal are paid prior to filing in the appellate court.	Extensions of time for completion of the record on appeal may be obtained from the trial court or the appellate court.	–
<b>Missouri</b>	The record on appeal is prepared within 90 days after notice of appeal is filed, unless a shorter time is provided by local court rule.	Fees for preparation of the record on appeal must be paid by appellant directly to the court reporter.	The record on appeal must be completed within 90 days after filing notice of appeal. All extensions for preparation of the record must be obtained from the appellate court.	Responsibility for monitoring preparation of the record to assure timely completion is up to the appellate court clerk and appellant's counsel.
<b>Montana</b>	The record on appeal is prepared by the trial court clerk within 40 days after the notice of appeal.	Fees for preparation of the record on appeal must be paid by the appellant.	Extensions of time for completion of the record may be obtained from the trial court or the supreme court.	Responsibility for monitoring preparation of the record to assure timely completion is up to appellant's counsel.
<b>Nebraska</b>	The record on appeal is prepared by the trial court. The clerk's transcript is prepared in 30 days; the reporter's transcript within 3 to 6 weeks (depending on type of case) after filing notice of appeal.	Except in poverty cases, fees for preparation of the record on appeal must be paid by appellant. Fees paid prior to filing of record.	The record on appeal must be completed within 30 days or 6 weeks (depending on type of case) after filing notice of appeal. Extensions of time for completion of the record may be obtained from the supreme court.	Responsibility for monitoring preparation of the record to assure timely completion is up to appellant's counsel.
<b>Nevada</b>	The appellate court record is produced as an appendix which must be filed with the opening brief 120 days after docketing of the appeal. Transcripts may be filed separately.	Fees for preparation of the transcript must be paid by the appellant within 15 days after filing of notice of appeal.	Extensions of time for filing the appendix may be obtained from the supreme court on written motion.	Appellant's counsel is responsible for monitoring preparation and filing of the appendix.
<b>New Hampshire</b>	The appellant is responsible for providing a sufficient record. The transcript is due within 60 days.	Fees for preparation of the transcript must be paid by appellant within 15 days after receiving an order.	The supreme court may extend time for preparation of the record.	The clerk's staff monitors preparation of the record to assure its timely completion.
<b>New Jersey</b>	The record on appeal is prepared by appellant's counsel and reproduced in appendix. The record on appeal must be completed within 45 days after the transcript is filed	Fees for preparation of the record on appeal must be paid by appellant to court reporter or transcriber at time transcript is ordered. Remainder of record prepared by counsel not trial court.	A 30 day extension for completion of the record can be obtained by approval of the appellate court clerk. Further extensions must be approved by the appellate court.	The appellate court administrator is responsible for monitoring preparation of the record.
<b>New Mexico</b>	The record on appeal is prepared by the trial court clerk upon receipt of docketing statement filed in the appellate court.	Fees for preparation of the record on appeal must be paid by appellant within 10 days of the filing of the docketing statement.	Extensions of time for completion of the record may be obtained from the supreme court.	The court reporter, appellant, and trial judge are responsible for monitoring preparation of the record to assure timely preparation.

Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record (continued)

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
New York	The record on appeal is filed by appellant's counsel within 60 days after filing notice of appeal.	No fee because the appellant prepares the record on appeal. <sup>2</sup>	Extensions of time for completion of the record may be obtained from the appellate court.	Responsibility for monitoring completion of preparation of the record on appeal is defined by statute and court rules.
North Carolina	The record on appeal as settled by the parties pursuant to court rules must be filed within 15 days of the settlement of the record.	Fees for preparation of the record on appeal must be paid by appellant. The appeal bond, docketing fee, and printing deposit must be paid at the time of filing the settled record on appeal.	Extensions of time for completion of the record may be obtained from the trial court or the appellate court.	Appellant's counsel and respondent's counsel are responsible for monitoring completion of preparation of the record.
North Dakota	The record on appeal is prepared by the trial court clerk and submitted not less than 25 days and not more than 30 days after filing notice of appeal.	Fees for preparation of the record on appeal must be paid by appellant at the time of filing notice of appeal. Generally applies to administrative appeals.	The transcript must be completed within 50 days after filing the notice of appeal unless request for retention is made by counsel or court reporter. Extensions of time for completion of the record may be obtained from the trial court and the appellate court.	Responsibility for monitoring completion of preparation of the record to assure prompt preparation is up to the trial court clerk and appellant's counsel. The supreme court clerk monitors these time frames.
Ohio	In the supreme court the record on appeal must be certified by court of appeals clerk within 20 days of allowance of appeal. In the Court of Appeals, the record on appeal is prepared by the trial court clerk and appellant's counsel within 40 days after filing the notice of appeal. 10 days if no transcripts, 20 days accelerated calendar.	In the court of appeals the transcript deposit is due to the court reporter at time of ordering transcript.	Extensions granted only in certain capital cases by the supreme court. The record on appeal must be completed within 40 days after filing notice of appeal. Extensions of time within which the complete preparation of the record may be obtained from the trial court or the appellate court depending on Local Court Rules.	The trial court clerk and appellant's counsel are responsible for monitoring preparation of the record to assure timely completion.
Oklahoma	The record on appeal is prepared by the trial court clerk and the court reporter. In the supreme court, the record must be completed within 6 months after judgment, in the court of criminal appeals 120 days in misdemeanors and 6 months in felony appeals.	Fees for preparation of the record on appeal in both civil and criminal appeals must be paid by appellant. In criminal appeals, there is statutory consideration for indigents.	The time within which to complete the record for the supreme court and court of criminal appeals can be extended by each court.	Responsibility for monitoring completion of preparation of the record to assure timely filing is up to appellant's counsel.
Oregon	The transmittal of testimony on appeal is prepared by the trial court reporter.	The court reporter must be paid for the transcript of testimony on completion.	The transcript must be completed within 30 days after filing notice of appeal. Extensions of time within which the complete preparation of the record may be obtained only from the appellate court.	The state court administrator is responsible for monitoring preparation of the record to assure timely completion.

Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record (continued)

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
<b>Pennsylvania</b>	The record on appeal is prepared by the trial court clerk within 40 days after filing of the notice of appeal.	Payment of fees for record preparation are made to the trial court.	Appellate or trial court may shorten or extend the time needed to complete a record.	Initially the appellate court prothonotary monitors the file for timely transmittal of the trial court record to the appellate court. If there is an unexplained delay the matter is brought to the attention of the AOC for further monitoring.
<b>Rhode Island</b>	The record on appeal is prepared by the trial court clerk within 30 days after payment of estimated cost of transcript.	Fees for preparation of the record on appeal must be paid by appellant within 10 days after notice of appeal.	The record on appeal must be completed within 30 days after notice. Extensions of time for completion of the record may be obtained from the trial court.	The appellant's counsel is responsible for monitoring preparation of the record to assure timely completion.
<b>South Carolina</b>	Appellant prepares the record on appeal. The record includes matter designated by both parties, provided the matter was presented to the lower court.	The appellate court collects no fees for record preparation.	The appellate court may grant extensions of time for completion of preparation of the record.	The appellate court clerk must dismiss an appeal when a party fails to follow appellate court rules..
<b>South Dakota</b>	The record on appeal is prepared by the trial court clerk immediately after an appeal is perfected.	Not applicable.	The record on appeal must be perfected within five days after appeal is perfected.	The trial court clerk is responsible for monitoring preparation of the records.
<b>Tennessee</b>	An appeal bond is required to be filed in the trial court for costs on appeal. Fees for cost of preparation of record on appeal is a cost of the trial court.	Fees for preparation of the record on appeal must be paid on conclusion of the appeal as assessed by the court.	The record must be prepared 45 days after the transcript is filed with the trial court. The transcript must be filed 90 days after notice of appeal is filed.	The trial court clerk and appellant's counsel are responsible for monitoring preparation of the record to assure timely completion.
<b>Texas</b>	Record filed on request of the supreme court or the court of criminal appeals. Record must be filed in appellate court within 60 days after judgment is signed (civil) or sentence is imposed or suspended (criminal) with exceptions as noted in rule. The trial court clerk and official or deputy court reporter are responsible for preparation of the record.	In the court of appeals, both sides are responsible for prepaying, certifying, and timely filing of the records unless satisfactory arrangements have been made in advance or is entitled to appeal without paying the fee.	Must be approved by the supreme court, by the court of criminal appeals, and varies among the 14 IACs.	Trial court clerk, court reporter, and appellate court clerk are jointly responsible for seeing that record is timely filed.
<b>Utah</b>	The record on appeal is prepared by trial court clerk upon completion and filing of the transcript or if no transcript requested within 20 days of filing notice of appeal.	Only fee in connection with record preparation is fee for transcript preparation. Fee must be paid at time transcript is requested and transcript must be requested within 10 days after notice of appeal filed.	Must be approved by clerk of the appellate court.	Deputy clerks in appellate courts are responsible for monitoring.

Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record (continued)

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
<b>Vermont</b>	The record on appeal is prepared and transmitted by trial court clerk within 15 days after appeal is filed.	There are no fees for preparation of the record (exclusive of transcript) on appeal.	The record on appeal must be completed 40 days after filing notice of appeal except for transcript. Extensions of time for completion of preparation of the record may be obtained from the appellate court.	The appellant's counsel is responsible for monitoring preparation of the record to assure timely completion.
<b>Virginia</b>	The record on appeal is prepared by trial court clerk within three months after final judgment in the trial court.	Fees for preparation of the record on appeal must be paid by appellant at time of filing notice of appeal.	The record on appeal must be completed within three months after final judgment. There is no provision that permits the filing of the record after the three-month period has expired. However, if the record is filed more than three months after final judgment is entered in the trial court and the delay is the fault of the trial court clerk, this late filing cannot be grounds for dismissal of the appeal by this court.	The trial court clerk is responsible for monitoring preparation of the record to assure timely completion.
<b>Washington</b>	The record on appeal must be completed within 90 days after notice of appeal. The transcript must be filed 90 days after review is accepted.	Fees for preparation of the record on appeal must be paid by appellant. No time stated in rules.	Extensions of time for completion of the record may be obtained from the appellate court. Attorneys can file a motion for extension of time to file designation of clerk's papers, statement of arrangements, or the filing of the transcript.	The appellate court clerk is responsible for monitoring preparation of the record to assure timely completion.
<b>West Virginia</b>	In instances in which only a portion of the record below is designated as the record on petition, the record on petition is returned to the circuit clerk, after the court grants the petition. The parties then designate the record on appeal, in coordination with the circuit clerk. The time allowed varies with the method of record designation selected. <sup>3</sup>	A bond for costs associated with reproduction of the record must be filed with the circuit court clerk at the time of the filing of the petition for appeal.	At the appeals stage, the parties must seek leave of court, if an extension of time is necessary. At the appellate stage, such extensions are highly unusual, because of the two-stage appeals process.	The appellate court clerk is responsible for monitoring preparation of the record to assure timely completion.
<b>Wisconsin</b>	The record on appeal is prepared by trial court clerk not more than 90 days after perfecting a notice of appeal.	A fee for preparation of the record on appeal is paid to the clerk of the trial court.	The record on appeal must be completed within 90 days after perfecting the notice of appeal. Extensions of time for completion of the transcript may be requested from the appellate court.	The trial court clerk is responsible for monitoring preparation of the record to assure timely completion.

Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record (continued)

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
<b>Wyoming</b>	The record of appeal is prepared by district court clerk within 60 days after filing notice of appeal if transcript is ordered and 15 days if not ordered.	Fees for preparation of the record must be paid by appellant at time of filing notice of appeal.	The record on appeal must be completed within 60 days after filing notice of appeal. Extensions of time for completion of the record must be filed in the trial court.	Record not filed in the supreme court until all briefs have been filed.
<b>Federal</b>				
U.S. Supreme Court	The clerk of the court keeps possession of the record until notified by the clerk of the U.S. Supreme Court to certify and transmit it.	The clerk of the court keeps possession of the record until notified by the clerk of the U.S. Supreme Court to certify and transmit it.	The clerk of the court keeps possession of the record until notified by the clerk of the U.S. Supreme Court to certify and transmit it.	The clerk of the court keeps possession of the record until notified by the clerk of the U.S. Supreme Court to certify and transmit it.
U.S. Courts of Appeals				
Second Circuit	The trial court clerk with whatever action is necessary prepares the record on appeal by the appellant.	Not applicable.	Extensions of time for completion of the record may be obtained from the appellate court clerk.	The clerk of the court of appeals is responsible for monitoring timely receipt of the record.
Fourth Circuit	Under Local Rule 10, record need not be filed with appeals court. Rather district court certifies that record is complete.	The appellant must order the transcript and make satisfactory financial arrangements with the court reporter within 10 days of filing the notice of appeal.	Extensions of time for completion of the record may be obtained from the appellate court clerk.	The clerk of the court of appeals is responsible for monitoring timely receipt of the record.
Fifth Circuit	The record on appeal is prepared by trial court clerk to be filed 15 days after filing of the transcript, within 15 days from receipt of letter requesting record. FRAP 11[b] requires the clerk to transmit the record on appeal forthwith upon its completion.	The appellant must order the transcript and make satisfactory financial arrangements with the court reporter within 10 days of filing the notice of appeal.	Extensions of time for completion of the record may be obtained from the appellate court clerk.	The clerk of the court of appeals is responsible for monitoring timely receipt of the record.
Sixth Circuit	Record prepared pursuant to FRAP 11[b].	–	–	–
Eighth Circuit	Appeals proceed by attorney-prepared appendices. Appendices are filed with the opening briefs.	–	–	–
Ninth Circuit	In civil appeals, the transcripts are transmitted seven days after the filing of the answering brief and in criminal appeals the record is filed 7 days after the filing of the answering brief.	Costs for copies of district court filings are set by the trial courts; transcripts cost \$2 per page.	The reporter may seek an extension of time from the clerk to file the transcript. If the reporter fails to do so, appellant must file a notice of reporter default.	Appellant bears responsibility to monitor record preparation.
U.S Air Force Court of Criminal Appeals	Record preparation is directed by the legal office at the base where the trial was held. <sup>4</sup>	There are no fees to the parties or their representatives to obtain a single copy of the record of trial.	Not applicable.	The Staff Judge Advocate of the convening authority is responsible for timely preparation of the record of the trial.
U.S. Army Court of Criminal Appeals	Fixed period not prescribed. Appellate court tracks record preparation beginning 30 days after trial.	No fees required. Record prepared at Army expense.	Extension of time for completion of the record may be obtained from the appellate court clerk.	The clerk of the court of appeals is responsible for monitoring preparation of the record to assure timely completion.

Table 2.2 – Time Frames and Responsibilities for Preparing Appellate Record (continued)

State	Responsibility and deadline for record preparation	Deadline to pay fees for record preparation	Approval of deadline extensions	Individual(s) responsible for monitoring timely preparation of record
<b>Federal</b> U.S. Court of Veterans Appeals	Prepared by appellee after contents are resolved by designation and counter designation.	Appellee (government) pays.	Extension of time for completion of the record may be obtained from the appellate court clerk.	The clerk of the court of appeals is responsible for monitoring preparation of the record to assure timely completion

**Endnotes**

<sup>1</sup> In criminal cases the same applies if there is no transcript. If there is a transcript, the clerk's record is combined with the transcript to make the report on appeal. This report on appeal must be transmitted to the appellate court within seven days from filing of the transcript.

<sup>2</sup> In the appellate division of the supreme court (1st and 2nd departments), a fee of \$50 for filing notice of appeal and a fee of \$250 for filing record on appeal are assessed.

<sup>3</sup> Designation/cross-designation selected, 44 days; joint designation selected, 30 days; agreed designation selected, 45 days.

<sup>4</sup> Time to prepare the record of trial by the court reporter is not limited, but is governed by processing goals incorporating the time from charging to final order including the record. The accused receives a copy of the record without charge.



**Table 2.3 – Preparation of the Appellate Record: Transcript, Copies, Certification, and Fees**

State	Reporter's transcript of oral testimony	Required number of copies of record	Certification of appellate record	Filing fees and payment deadline
<b>Alabama</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript, or on videotape.	Two photocopies of the clerk's record and an original and one copy of the reporters transcript are filed in the appellate court in civil cases. In criminal cases, an original and 3 copies are prepared. The original is filed with appellate court. The trial court retains one copy and 2 other copies are served on the parties. <sup>1</sup>	Accuracy of the record on appeal is not certified.	Appellant must pay the appellate court docket fee of \$100 when notice of appeal is filed. In non-indigent appeals a \$100 docket fee is assessed when conviction is affirmed.
<b>Alaska</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript and a computer diskette, except audio cassettes in misdemeanor and juvenile delinquency cases.	The original trial court file and the original of the reporter's transcript are filed with the appellate court in civil cases.	The transcriber certifies the accuracy of a transcript by oral hearings. There is no certifying of accuracy of the trial court file.	Appellant must pay filing fee of \$100 or file a motion to waive fee or allow appeal at public expense at the time of filing his notice of appeal.
<b>Arizona</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	Criminal—an original and two copies of the reporter's transcript are prepared—same distribution as record except trial court does not keep copy. In supreme court one original transcript or one copy in death penalty cases. Civil—parties may order any portion of the transcript.	The accuracy of the record on appeal is certified by the trial court.	Appellant must pay the appellate court filing fee of \$140 within 30 days after the record is received in the appellate court. In special actions, a filing fee of \$140 is required at the time of filing the petition.
<b>Arkansas</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	The original reporter's transcript is filed with the appellate court.	The accuracy of the record on appeal is certified by a certificate of trial court clerk.	Appellant must pay the appellate court filing fee of \$100 when the appeal is filed.
<b>California</b>	Oral testimony of the trial comes before the appellate court in the form of a reporters transcript.	Only the original of the clerk's transcript and reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is certified by the reporter's certificate and clerk's certificate if no corrections were proposed within the time provided for corrections.	Appellant must pay the court of appeal filing fee of \$250 at the time of filing notice of appeal.
<b>Colorado</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	Only the original of the clerk's transcript and the reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is certified by the trial judge and the clerks and reporters.	Appellant must pay the appellate court filing fee of \$150 when docketing the case in the appellate court.
<b>Connecticut</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript, where necessary.	A copy of the reporter's transcript is filed with the appellate court.	The accuracy of the record on appeal is certified by the clerk of the trial court.	Appellant must pay the appellate court filing fee of \$250.
<b>Delaware</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	Only the original of the trial court file and reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is certified by the trial court clerk.	Appellant must pay the supreme court filing fee of \$250 at the time of filing the notice of appeal or within 10 days after denial of in forma pauperis motion.

Table 2.3 – Preparation of the Appellate Record: Transcript, Copies, Certification, and Fees (continued)

State	Reporter's transcript of oral testimony	Required number of copies of record	Certification of appellate record	Filing fees and payment deadline
<b>District of Columbia</b>	Copies of the designated record and the original reporter's transcript are filed.	Four photocopies of the designated record and a single copy of the reporter's transcript.	Accuracy of the record on appeal is certified by the trial court.	Appellant must pay a filing fee of \$5 in the trial court when the notice is filed. Appellant must also pay a \$50 docketing fee in the appellate court.
<b>Florida</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	Only the original of the clerk's record including the reporter's transcripts, unless appellant designated that they not be included in the record, are filed with the appellate court.	Required to be done by the trial court clerk or deputy clerk.	Appellant must pay a filing fee of \$250 at time of filing notice of appeal.
<b>Georgia</b>	Oral testimony of the trial comes to the appellate court in the form of printed transcript.	Only one copy of the clerk's record and the original reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is certified by the trial court clerk and reporter.	Appellant must pay the appellate court filing fee of \$80 when filing his opening brief unless the trial court has granted the appellant pauper's status.
<b>Hawaii</b>	The trial court pleadings come to the appellate court in the form of the entire original trial court file.	Only the original of the trial court file and reporter's transcript are filed with the supreme court.	Accuracy of the record on appeal is certified by a certificate of the trial court clerk.	The appellate court filing fee of \$100 plus an additional \$25 surcharge is paid at the time of filing the notice of appeal.
<b>Idaho</b>	Oral testimony of the trial comes before the appellate court in the form of a paper transcript or a computer-searchable disk.	The original and two copies of the clerk's record and original and one copy of the reporter's transcript is filed with the supreme court.	Accuracy of the record on appeal is certified by the reporter for the record and clerk for the record.	Civil and agency appeals filing fee is \$86. No filing fee in criminal appeals.
<b>Illinois</b>	Oral testimony of the trial comes before the appellate court in the form of a paper transcript.	Only the original of the clerk's transcript and reporter's transcript are filed with the appellate court. Original and one copy of record must be filed in death penalty cases in the supreme court.	Accuracy of the record on appeal is certified by the trial court judge, stipulation of counsel and certificate of trial court clerk.	Appellant must pay the appellate court filing fee of \$25 when the docketing statement is due.
<b>Indiana</b>	Oral testimony of the trial court comes before the appellate court in the form of a computer transcript.	Only the original of the clerk's transcript and reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is certified by the trial judge, the court reporter and certificate of the trial court clerk.	Appellant must pay the appellate court filing fee of \$250 when the record is filed in the appellate court.
<b>Iowa</b>	Oral testimony of the trial comes before the appellate court in the form of a computer transcript and appendix to briefs consisting of relevant portions of the transcript.	Only the original or a copy of the district court record and reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is determined by a certificate of the trial court clerk and court reporter.	Appellant must pay the appellate court docketing fee of \$50 within 40 days after filing of notice of appeal. Appellant must pay filing fee of \$30 when filing an application to appeal.
<b>Kansas</b>	Oral testimony of the trial comes before the appellate court in the form of a computer transcript.	Only the original of the trial court pleadings and reporter's transcript are filed with the appellate court.	Since original trial court file is used, there is no need for certification.	Appellant must pay the appellate courts a filing fee of \$55 at docketing time.

Table 2.3 – Preparation of the Appellate Record: Transcript, Copies, Certification, and Fees (continued)

State	Reporter's transcript of oral testimony	Required number of copies of record	Certification of appellate record	Filing fees and payment deadline
<b>Kentucky</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript or by videotape.	The original of the trial court record and the original reporter's transcript are filed with the appellate court. If the proceedings are recorded on videotape copies of the tape are sent up as part of the record.	The record on appeal is prepared and certified by the trial court clerk.	A filing fee of \$125 is required to be paid to the trial court when the notice of appeal is filed.
<b>Louisiana</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten or computer generated transcript.	Certified copy of the original and duplicate are filed with the intermediate app. Certified copy of original and two duplicates are filed in COLR appeals.	Accuracy of the record on appeal is certified by certificate of the trial court clerk that no corrections were requested within the time provided within which to propose correction.	Appellant must pay the filing fee of \$125.50 in civil cases and \$50 in criminal cases at the time of filing record with appellate court.
<b>Maine</b>	Oral testimony of the trial comes before the appellate court as a transcript.	Original trial court file is the "record on appeal."	Original trial court file does not require certification.	There is a \$120 fee for civil appeals paid when notice of appeal is filed.
<b>Maryland</b>	Oral testimony of the trial comes before the appellate court in the form of a computer generated transcript.	Only the original of the clerk's transcript and reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is certified by the trial court clerk.	Appellant must pay the appellate court filing fee of \$50 in the Court of Special Appeals at the time of filing the notice of appeal. There is a \$50 filing fee for filing a petition for certiorari, payable at time of filing.
<b>Massachusetts</b>	Oral testimony of the trial comes before the appellate court in transcript form.	The original and one copy of the reporter's transcript is filed with the appellate court in criminal cases. In civil cases counsel files pertinent portions of transcript in record appendix (5 copies).	Accuracy of the record on appeal is not certified.	Appellant must pay the appellate court filing fee of \$150 at the time of docketing the appeal unless waived because of indigent status. No docket fee for criminal appeals.
<b>Michigan</b>	Oral testimony of the trial comes before the appellate court in transcript form.	Only the original of the clerk's transcript and reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is certified by a certificate of the trial court clerk that no corrections were proposed within the time provided for corrections.	Appellant must pay the appellate court filing fee of \$200 at the time of docketing the appeal. There is a \$250 filing fee in the supreme court.
<b>Minnesota</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	Only the original of the clerk's transcript and 2 copies of the reporter's transcript are filed with the appellate court.	Accuracy of the record is not certified.	Appellant must pay the appellate court filing fee of \$250 to the clerk of the trial court when the notice of appeal is filed \$250 is sent to the supreme court.
<b>Mississippi</b>	Oral testimony of the trial comes before the appellate court in the form of a computer generated transcript.	Only the clerk's papers and original transcript are filed with the appellate court.	Accuracy of the record on appeal is determined by a certificate of the trial court clerk.	–

Table 2.3 – Preparation of the Appellate Record: Transcript, Copies, Certification, and Fees (continued)

State	Reporter's transcript of oral testimony	Required number of copies of record	Certification of appellate record	Filing fees and payment deadline
<b>Missouri</b>	Oral testimony of the trial comes before the appellate court in the form of a transcript.	The original of the reporter's transcript and copies of the clerk's files are filed with the appellate court.	Accuracy of the record on appeal is certified by the trial judge when counsel cannot agree or when abbreviated record is used by stipulation of counsel, or on certification by court reporter.	Appellant must pay the trial court filing fee of \$50 at the time of filing the notice of appeal. Circuit clerk forwards fee to appellate court.
<b>Montana</b>	The reporter's transcript on appeal is prepared in computer generated form.	The original and 2 copies of the reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is determined by a certificate of the court reporter.	Appellant must pay the supreme court filing fee of \$75 when the transcript on appeal or the notice is filed.
<b>Nebraska</b>	Oral testimony of the trial comes before the appellate court in the form of a computer printed transcript.	Only the original of the clerk's transcript and the reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is certified by the trial court clerk and trial court reporter.	Appellant must pay the supreme court filing fee of \$50 at the time of filing notice of appeal. In poverty cases, the fee is paid by the county after the mandate is issued.
<b>Nevada</b>	Oral testimony submitted as part of appendix or certified copy of transcript or in certain criminal appeals by uncertified computer-generated transcript.	One copy of appendix or record or transcript required.	Appendix not certified, but most include copies bearing clerk's file stamp. Counsel's filing of appendix is representation by counsel that papers are true and correct copies of trial court file.	Filing fee of \$200 paid at that time of filing of notice of appeal in district court. Trial court clerk submits fee to supreme court with certified copy of notice of appeal.
<b>New Hampshire</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	The original of the trial transcript is filed with the appellate court. Each party of record receives a copy.	Transcripts are certified by certified shorthand reporter.	Appellant must pay the supreme court filing fee of \$125 with the filing of the appeal.
<b>New Jersey</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	The original reporter's transcript is sent to the court and appellant sends three copies to appellate court.	Accuracy of the record on appeal is not certified, except for transcripts.	Appellant must pay the appellate court filing fee of \$175 at time of filing the notice of appeal.
<b>New Mexico</b>	Oral testimony of the trial comes before the appellate court in the form of a transcript (civil cases); tape recording in lieu of printed transcript (criminal cases).	The original of the clerk's transcript and the original and 2 copies of the reporter's transcript are sent to the supreme court or the appellate court.	Accuracy of the record on appeal is certified by the trial court clerk.	Appellant must pay the appellate court filing fee of \$125 when the docketing statement is filed.
<b>New York</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	The original and 10 copies of the reporter's transcript or partial transcript are filed with the COLR.	Accuracy of the record on appeal is certified by the trial court judge, appellant's counsel or stipulation of counsel.	There is a \$250 filing fee for filing the record on appeal in civil cases.

Table 2.3 – Preparation of the Appellate Record: Transcript, Copies, Certification, and Fees (continued)

State	Reporter's transcript of oral testimony	Required number of copies of record	Certification of appellate record	Filing fees and payment deadline
<b>North Carolina</b>	Oral testimony may come before the appellate court in the form of a narrative summary prepared by appellant's attorney from reporter's transcript and agreed to by appellee, but most often comes directly as the verbatim transcript is certified.	The original of the record containing copies of trial court pleadings and narrative summary are filed with the appellate court. The appellate court prepares 18 copies or distribution.	Accuracy of the record on appeal is certified by stipulation or verification of counsel that no corrections were requested within time provided to propose corrections.	Appellant must pay an appeals bond of \$250, a docket fee of \$10, and a printing deposit of \$1.75 per page for each page in the record contemporaneously with the filing of the settled record in the appeals court.
<b>North Dakota</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	The original and two copies of the reporter's transcript are filed with the appellate court.	If differences in the record arise, the trial court will settle it.	Appellant must pay the appellate court filing fee of \$125 at the time of filing the notice of appeal.
<b>Ohio</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript, transcript typed from tape recording rather than prepared by reporter, tape recording in lieu of typed transcript or video tape recording.	The original of the clerk's transcript and the reporter's transcript are filed with the appellate court.	Certified by the trial court judge.	Filing fee in the supreme court is \$40 and must be paid at the time of filing the notice of appeal.
<b>Oklahoma</b>	An original and two copies of the reporter's transcript are prepared in typewritten and photocopied form.	The original trial court record and transcript are filed with the supreme court. A certified copy of the record and the original and one copy of the transcript are filed with the court of criminal appeals. A copy of the transcript is sent to appellant's counsel.	Accuracy of the record on appeal is determined by the trial judge, stipulation of counsel, certificate of court reporter and/or certificate of trial court clerk.	Appellant must pay the supreme court filing fee when he files a petition in error or any other initial appeal petition. There is no additional filing fee for filing appellee's brief.
<b>Oregon</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript, transcript typed from tape recording rather than prepared by reporter, or by tape recording in lieu of typed transcript.	The original transcript of proceedings is filed with the trial court clerk. Additional copies are served on respondent.	Accuracy of the record on appeal is automatically settled unless motion to correct is filed.	Appellant must pay the appellate court filing fee of \$140 at the time of filing notice of appeal. Respondent must pay an additional filing fee of \$84 at first appearance.
<b>Pennsylvania</b>	Notes of testimony of the trial are forwarded to the appellate court by the trial court.	The original trial court transcript (and in some cases, copies) are filed with the appellate court.	The trial court certifies the itemized contents of the record transmitted to the appellate court without certifying the accuracy of the record. In the supreme court, objections must be filed within 14 days of filing transcript otherwise it is assumed accurate.	The \$55 filing fee is paid to the trial court at the time filing the notice of appeal. The fee is then forwarded with the notice of appeal to the appellate court. The trial courts are also entitled to a fee which varies from court to court.
<b>Rhode Island</b>	An original reporter's transcript is prepared in typewritten form.	The original trial court record on appeal and the original reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is determined by the certificate of trial court clerk that no corrections were requested within time provided to propose corrections.	There is a filing fee of \$150 for all cases except criminal or habeas corpus.

Table 2.3 – Preparation of the Appellate Record: Transcript, Copies, Certification, and Fees (continued)

State	Reporter's transcript of oral testimony	Required number of copies of record	Certification of appellate record	Filing fees and payment deadline
<b>South Carolina</b>	An original and such copies as may be requested by counsel of the reporter's transcript are prepared in typewritten form.	An original and 14 copies of the record on appeal are prepared in photocopy form.	Appellant's counsel must certify the record on appeal contains all matter proposed to be included by any party.	Appellant must pay a \$100 filing fee at the time of filing of the notice of appeal, except in criminal cases or other exempt categories.
<b>South Dakota</b>	Oral testimony of the trial comes before the appellate court in the form of the entire original trial court file.	One copy of the clerk's transcript and reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is assured by the trial court clerk.	Appellant must pay appellate court filing fee of \$50 at time of filing notice of appeal. There is no additional fee for filing respondent's brief.
<b>Tennessee</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript. There are some pilot projects whereby the transcript is a videotape.	The trial court pleadings are certified copies and the transcript of evidence and the exhibits to the record are original.	Accuracy of the record on appeal is determined by certificate of trial court judge, stipulation of counsel, and certificate of clerk.	There is no appellate court filing fee. However, appellant files a bond for costs, or pauper's oath. Costs are adjudged at the conclusion of the appeal.
<b>Texas</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	The original of the clerk's record and the reporter's record are filed with the appellate court.	Accuracy of the reporter's record is determined by the court reporter.	Appellant must pay the appellate court filing fee of \$125 when the appeal is perfected. There is no filing fee in the court of criminal appeals.
<b>Utah</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	The original of the clerk's transcript and reporter's transcript are filed with the appellate court.	Trial court clerk certifies accuracy of record.	Appellant must pay \$190 to trial court at time notice of appeal is filed.
<b>Vermont</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript or a videotape from certain courts if trial is less than 12 hours long.	The original of the reporter's transcript is filed with the appellate court by the appellant.	Accuracy of the record on appeal is certified.	Appellant must pay the appellate court filing fee of \$150 at the time of filing the notice of appeal.
<b>Virginia</b>	Oral testimony of the trial comes before the court in the form of a typewritten transcript.	The original of the pleadings, orders and reporter's transcript are filed with the appellate court.	Accuracy of the record on appeal is determined by certificate of the trial court clerk.	Appellant must pay the supreme court filing fee of \$25 when filing petition for appeal. Appellant must pay the court of appeals \$25 when filing a copy of the notice of appeal with appellate court.
<b>Washington</b>	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	The original of the transcript is filed at the trial court and a copy served on an adverse party.	The court reporter signs an affidavit that the transcript is accurate.	Appellant must pay the filing fee of \$250 when filing a notice of appeal, or notice for discretionary review within 30 days of the filing of the trial court decision from which the review is sought.

Table 2.3 – Preparation of the Appellate Record: Transcript, Copies, Certification, and Fees (continued)

State	Reporter's transcript of oral testimony	Required number of copies of record	Certification of appellate record	Filing fees and payment deadline
<b>West Virginia</b>	When asked for, an original of the reporter's transcript is prepared in typewritten form.	The original and nine copies of the trial court record are filed with the appellate court. An appellant may elect to proceed on the original record without copying. This reduces the appellate costs and expedites the case.	Counsel may file motion in court in which transcript is located to correct any alleged error.	Appellant must pay filing fee covering the cost of paginating and indexing the record; however, there is no appellate filing fee.
<b>Wisconsin</b>	In form of a typewritten transcript.	Original of trial court file and reporter's transcript are filed with appellate court.	Accuracy of record is certified by clerk of trial court. Accuracy of transcript is certified by court reporter.	Appellant must pay \$150 filing fee to clerk of the trial court when filing original notice of appeal.
<b>Wyoming</b>	In form of typewritten transcript.	Original is filed.	Court reporter certifies transcript – clerk of the trial court certifies entire designated record.	A \$75 fee is charged when notice of appeal is filed.
<b>Federal</b>				
U.S. Supreme Court	Not filed unless requested.	–	–	There is a \$300 fee for a writ of certiorari petition.
U.S. Courts of Appeals				
Second Circuit	Same as above.	Only the original is filed.	–	Appellant must pay to the clerk of the district court or tax court a filing fee of \$105 for filing of the notice of appeal. Petitioner must pay a fee of \$100 to the clerk of the Court of Appeals when filing a petition for review of an agency decision.
Third Circuit	Same as above.	–	–	Appellant must pay a filing fee of \$50 at the time of filing the notice of appeal.
Fourth Circuit	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript, which the parties may include in an appendix to their briefs.	Not applicable.	–	Appellant must pay a filing fee of \$50 at the time of filing the notice of appeal.
Fifth Circuit	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript.	Only original is filed.	–	Appellant must pay a filing fee of \$50 at the time of filing the notice of appeal.
Sixth Circuit	Oral testimony of the trial comes before the appellate court in the form of a typewritten transcript, which the parties may include in an appendix to their briefs.	–	–	Appellant must pay a filing fee of \$50 at the time of filing the notice of appeal.
Eighth Circuit	Same as above.	Only one copy.	–	Appellant must pay a filing fee of \$50 at the time of filing the notice of appeal.
Ninth Circuit	Same as above.	Five copies of excerpts are filed.	–	Appellant must pay a filing fee of \$50 at the time of filing the notice of appeal.

Table 2.3 – Preparation of the Appellate Record: Transcript, Copies, Certification, and Fees (continued)

State	Reporter's transcript of oral testimony	Required number of copies of record	Certification of appellate record	Filing fees and payment deadline
<b>Federal</b> Eleventh Circuit	Same as above.	Five copies of excerpts are filed.	–	Appellant must pay a filing fee of \$50 at the time of filing the notice of appeal.
U.S. Air Force Court of Criminal Appeals	Oral testimony of the trial comes before the Court in the form of a typewritten transcript.	The appellate court required only the original record of the trial to be filed at the court.	Not applicable.	There are no filing fees.
U.S. Army Court of Criminal Appeals	Same as above.	Two copies of the complete trial record and transcript are required, one for assigned military counsel for the appellant and one for government counsel.	Not applicable.	There are no filing fees.
U.S. Court of Veterans Appeals	Same as above.	Two (unless court orders more).	–	Appellant must pay a filing fee of \$50 at the time of filing the notice of appeal.

**Endnotes**

<sup>1</sup> In criminal cases, the court reporter prepares an original and three photocopies of the reporter's transcript to be filed with the clerk of the trial court. The clerk of the trial court prepares three certified copies of the record on appeal.

<sup>2</sup> Copies are submitted to the Air Force Military Justice Division for distribution to the appellate divisions.



**Table 2.4 – Dismissal of Appeals**

<b>State</b>	<b>Dismissal of appeals for failure to perfect record</b>	<b>Dismissal of appeals at appellant's request</b>
<b>Alabama</b>	Appeals may be dismissed for failure to complete preparation of the record, upon respondent's written motion without oral argument, or on the appellate court's own motion after notice of default by appellate court clerk.	An appellant may dismiss his own appeal by motion to the appellate court.
<b>Alaska</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record after notice of default has been sent to counsel and to appellant personally.	Appellant may dismiss his own appeal by stipulation of counsel or motion to appellate court.
<b>Arizona</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record by respondent's written motion without oral argument.	Appellant may dismiss his own appeal by stipulation of counsel or motion to appellate court (civil or criminal).
<b>Arkansas</b>	Appeals may be dismissed for failure to complete preparation of the record by respondent's written motion without oral argument.	Appellant may dismiss his own appeal by motion to the supreme court.
<b>California</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record on respondent's written motion without oral argument, or on the appellate court's own motion after notice of default by the trial court clerk.	Appellant may dismiss their appeal by stipulation of counsel or letter requesting dismissal.
<b>Colorado</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record by respondent's written motion without oral argument, or on the appellate court's own motion after default notice from appellate clerk.	An appellant may dismiss his own appeal by motion to the appellate court.
<b>Connecticut</b>	Appeals may be dismissed for appellant's failure to complete arrangements for record by appellee's written motion or by the appellate court on its own motion after notice of default by the clerk.	Appellant may dismiss his own appeal by filing a withdrawal.
<b>Delaware</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparations of the record by appellee's written motion without oral argument.	Appellant may dismiss his own appeal by letter or pleading requesting dismissal.
<b>District of Columbia</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record on the appellate court's own motion, after notice of default by appellate court clerk. An appeal may also be dismissed for failure to pay the docketing fee.	Appellant may dismiss his own appeal by stipulation of counsel, motion to appellate court.
<b>Florida</b>	Appeals may be dismissed for appellant's failure to complete preparation of the record on the appellate court's own motion after notice of default by the appellate court clerk.	Appellant may dismiss his own appeal by motion requesting dismissal.
<b>Georgia</b>	Appeals may be dismissed in the trial court before transmittal for appellant's failure to complete preparation of the transcript or failure to pay costs.	Appellant may withdraw his own appeal by requesting withdrawal except where a petition for certiorari is granted. After docketing in the court of appeals, appellant must motion for permission to withdraw.
<b>Haw aii</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record by (1) respondent's written motion and court order or (2) the court sua sponte.	Appellant may dismiss his own appeal by stipulation of all parties.

Table 2.4 – Dismissal of Appeals (continued)

State	Dismissal of appeals for failure to perfect record	Dismissal of appeals at appellant's request
<b>Idaho</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record on the appellate court's own motion after conditional dismissal order by the appellate court clerk.	Appellant may dismiss his own appeal by stipulation or motion to the appellate court.
<b>Illinois</b>	An appeal may be dismissed for appellant's failure to complete arrangements for preparation of the record by motion filed in reviewing court.	Appellant may dismiss appeal by stipulation or motion to the appellate court.
<b>Indiana</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record on the appellate court's own motion after notice of default by the appellate court clerk.	Appellant may dismiss his own appeal by motion to the appellate court.
<b>Iowa</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record upon, the motion of the party or the appellate court with or without notice of default or an oral hearing, or by the appellate court clerk after notice of default and expiration of 15 days.	Appellant may dismiss his own appeal by filing a voluntary dismissal with the appellate court clerk.
<b>Kansas</b>	Appeals may be dismissed for appellant's failure to docket the appeal or to pay for the transcript.	Appellant may dismiss his own appeal by motion to the appellate court.
<b>Kentucky</b>	Failure to complete arrangements for preparation of the record can result in dismissal.	Appellant may request dismissal of his own appeal by motion to the circuit or appellate court.
<b>Louisiana</b>	There is no provision for dismissal of appeal because of failure to complete arrangements for preparation of the record on appeal. However, civil and criminal appeals may be dismissed for failure to pay costs.	Appellant may dismiss own appeal by motion to the appellate court.
<b>Maine</b>	Failure to file the record or any other required paper may lead to dismissal by court order on 10 day notice.	Appellant may dismiss his own appeal by stipulation of counsel.
<b>Maryland</b>	Appeals may be dismissed for failure to complete arrangements for preparation of the record by respondent's written motion, oral hearing (at the discretion of the court) and court order or on the appellate court's own motion.	Appellant may dismiss his own appeal by notice requesting dismissal.
<b>Massachusetts</b>	Appeals may be dismissed for failure to complete arrangements for preparation of the record on appeal by appellee's written motion, oral hearing, and court order.	Appellant may dismiss his own appeal by motion to the appellate court or both sides may stipulate to voluntary dismissal in the appellate court.
<b>Michigan</b>	Appeals may be dismissed for failure to complete arrangements for preparation of the record by respondent's written motion without oral argument.	Appellant may dismiss his own appeal by stipulation of counsel or may file motion to withdraw appeal.
<b>Minnesota</b>	Appeals may be dismissed for failure to complete preparation of brief by respondent's written motion without oral argument or on the supreme court's own motion.	Appellant may dismiss his own appeal by stipulation of counsel, motion to appellate court, or letter requesting dismissal.
<b>Mississippi</b>	Appeals can be dismissed for failure to complete arrangements for preparation of the record on respondent's motion without oral argument or on the appellate court's own motion after notice of default by the appellate court clerk.	Appellant may dismiss his own appeal by stipulation of counsel or by motion to the appellate court.

Table 2.4 – Dismissal of Appeals (continued)

State	Dismissal of appeals for failure to perfect record	Dismissal of appeals at appellant's request
<b>Missouri</b>	Appeals may be dismissed for failure to complete preparation of the record on appeal under respondent's written motion without oral argument or on the appellate court's own motion after notice of default by appellate court clerk.	Appellant may dismiss his own appeal by motion to the appellate court or by letter requesting dismissal.
<b>Montana</b>	Appeals may be dismissed for failure to complete arrangements for preparation of the record on respondent's written motion with or without oral argument, or on the court's own motion after notice of default by appellate court clerk.	Appellant may dismiss his own appeal by stipulation of counsel or motion to the appellate court.
<b>Nebraska</b>	Appeals may be dismissed for failure to complete arrangements for preparation of the record on respondent's written motion and court order.	Appellant may dismiss his own appeal by stipulation of counsel or motion to the appellate court.
<b>Nevada</b>	Appeals may be dismissed for failure to file timely opening brief or appendix on respondent's motion without oral argument or sua sponte by supreme court.	Stipulation or written motion is required.
<b>New Hampshire</b>	An appeal may be dismissed for failure to procure record.	Appellant may withdraw his own appeal by stipulation, motion, or letter request.
<b>New Jersey</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record by respondent's written motion without oral arguments or on the appellate court's own motion.	Appellant may dismiss his own appeal by stipulation of counsel or motion to the appellate court with appellate court approval of the clerk prior to briefing or by order of the court after briefing.
<b>New Mexico</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record by respondent's written motion, oral hearing and court order, or on the supreme court's or the court of appeals' own motion after notice of default by the appellate court clerk.	Appellant may dismiss his own appeal by stipulation or motion to the appellate court.
<b>New York</b>	An appeal may be dismissed for appellant's failure to complete the preparation of the record on appeal.	Appellant may withdraw his own appeal by motion to the appellate court or by stipulation of counsel.
<b>North Carolina</b>	Appeals may be dismissed for appellant's failure to complete arrangements for the preparation of the record, by respondent's written motion without oral argument, or on the appellate court's own motion after notice of default by the appellate court clerk.	Appellant may dismiss his own appeal by motion to the appellate court after the settled record has been filed or by withdrawing his notice of appeal with the trial court prior to such time.
<b>North Dakota</b>	Appeals may be dismissed for appellant's failure to perfect record on appeal by appellee's written motion or on the appellate court's own motion after notice of default by the appellate court clerk.	Appellant may dismiss his own appeal by stipulation of the parties or motion to the appellate court.
<b>Ohio</b>	Appeals may be dismissed for failure to complete arrangements for the preparation of the record on appellate court's own motion after notice of default by the appellate court clerk.	Appellant may dismiss his own appeal by motion to the appellate court or by notice of voluntary dismissal.
<b>Oklahoma</b>	Appeals may be dismissed for appellant's failure to complete arrangements for the preparation of the record on appellee's written motion, show cause order and order of the court and subsequent order of dismissal. Record must accompany petition in criminal cases.	Appellant may dismiss his own appeal by motion to the appellate court and order of that court.

Table 2.4 – Dismissal of Appeals (continued)

State	Dismissal of appeals for failure to perfect record	Dismissal of appeals at appellant's request
<b>Oregon</b>	Appeals may be dismissed for failure to complete arrangements for the preparation of the record on respondent's written motion without oral argument, or on the court's own motion after notice of default by the administrator.	Appellant may dismiss his own appeal by motion.
<b>Pennsylvania</b>	Appeals may be dismissed for appellant's failure to complete arrangements for the preparation of the record on respondent's written motion without oral argument.	Appellant may dismiss his own appeal by motion to appellate court or praecipe for discontinuance.
<b>Rhode Island</b>	Appeals may be dismissed for appellant's failure to complete arrangements for the preparation of the record by respondent's written motion, oral hearing, and court order.	Appellant may dismiss his own appeal by stipulation of counsel.
<b>South Carolina</b>	Appeals may be dismissed for appellant's failure to properly prepare and complete the record by respondent's written motion or by the appellate court's own motion.	Appellant may dismiss his own appeal by stipulation of counsel or letter requesting dismissal.
<b>South Dakota</b>	Not applicable.	Appellant may dismiss his own appeal by stipulation of counsel, motion to appellate court.
<b>Tennessee</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record by respondent's written motion without oral hearing.	The parties may enter a stipulation of dismissal by agreement of all parties. When a stipulation is filed, a motion and order are not necessary.
<b>Texas</b>	On the appellate court's own motion after notice of default by the appellate court clerk.	Appellant may dismiss his own appeal by motion to the appellate court.
<b>Utah</b>	Appeal not generally dismissed but may be submitted for decision without benefit of transcript or complete record.	Appellant may dismiss his own appeal by motion to appellate court or letter requesting dismissal.
<b>Vermont</b>	Appeals may be dismissed for appellant's failure to complete arrangements for the preparation of the record by respondent's written motion, oral hearing and court order or respondent's written motion without oral argument.	Appellant may dismiss his own appeal by stipulation of counsel or motion to appellate court.
<b>Virginia</b>	Appeals may be dismissed for appellant's failure to complete arrangements for the preparation of the record by appellate court's own motion.	Appellant may dismiss his own appeal by stipulation of counsel or motion to appellate court.
<b>Washington</b>	Appeals may be dismissed for appellant's failure to complete arrangements for the preparation of the record by respondent's written motion without oral argument or on appellate court's own motion after notice of default by appellate court clerk.	Appellant may dismiss his own appeal by stipulation of counsel or motion to appellate court.
<b>West Virginia</b>	Appeals may be dismissed for failure to complete arrangements for preparation of the record by respondent's motion to dismiss and order of the court.	Appellant may dismiss his own appeal by filing motion to dismiss with the appellate court, or if not yet docketed, the trial court.
<b>Wisconsin</b>	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record by respondent's written motion without oral argument, or on appellate court's own motion after notice of default by IAC clerk.	Appeal may be dismissed on motion of appellant upon such terms as may be agreed upon by parties or fixed by the court.

Table 2.4 – Dismissal of Appeals (continued)

State	Dismissal of appeals for failure to perfect record	Dismissal of appeals at appellant's request
<b>Wyoming</b>	Not applicable.	Appellant may dismiss his own appeal by filing notice of dismissal with the appellate court, or if not yet docketed, the trial court.
<b>Federal</b>		
U.S. Supreme Court	Cases may be dismissed if all parties file with the clerk an agreement that a particular case be dismissed.	Cases may be dismissed if all parties file with the clerk an agreement that a particular case be dismissed.
U.S. Courts of Appeals		
Second Circuit	Appeal may be dismissed for failure to order/pay for essential transcript.	See FRAP 42(b).
Third Circuit	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record on the appellate court's own motion, after notice of default by appellate court clerk.	Appellant may dismiss his own appeal by stipulation of counsel, motion to appellate court, and payment of any fees due.
Fourth Circuit	Appeal may be dismissed for failure to order/pay for essential transcript.	Dismissal by stipulation of parties or on appellant's motion on terms set by court.
Fifth Circuit	Notice is not given in certain instances. For example, criminal cases with retained counsel.	Appellant may dismiss his own appeal by stipulation of counsel, motion to appellate court, or letter requesting dismissal.
Sixth Circuit	Dismissal for failure to pay filing fee, order transcript, file appearance form, or file brief.	See FRAP 42(b).
Eighth Circuit	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record on the appellate court's own motion, after notice of default by appellate court clerk.	See FRAP 42(b).
Ninth Circuit	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record on the appellate court's own motion, after notice of default by appellate court clerk.	Requests for dismissal must be made by motion or stipulation, letters are not deemed acceptable from counseled litigants.
Eleventh Circuit	Appeals may be dismissed for appellant's failure to complete arrangements for preparation of the record on the appellate court's own motion, after notice of default by appellate court clerk.	See FRAP 42(b).
U.S. Air Force Court of Criminal Appeals	Appeals are automatic.	Appellant may waive his right to automatic appeal by motion to the appellate court, unless under sentence to death.
U.S. Army Court of Criminal Appeals	Not applicable.	Except in capital case, appellant may withdraw appeal after consultation with counsel and upon written application presented to court of criminal appeals.
U.S. Court of Veterans Appeals	Not applicable.	Appellant may dismiss his own appeal by stipulation of counsel, motion to appellate court, or letter requesting dismissal.

**Table 2. – Filing of Respondents’ Briefs**

<b>State</b>	<b>Deadline to file a respondent’s brief</b>	<b>Deadline to file closing brief</b>	<b>Approval of deadline extensions</b>
<b>Alabama</b>	Must be served 21 days after appellant’s filing of opening brief.	Due 14 days after filing of respondent’s brief.	May be extended by clerk per delegation.
<b>Alaska</b>	30 days after service of the appellant’s except 20 days in misdemeanor and child custody cases, and 15 days in sentence appeals.	20 days except 10 days in misdemeanors and child custody appeals.	The clerk may upon motion, grant up to 45 days of extension to appellant and up to 30 days to appellee in standard civil and criminal merit appeals. Sentence, misdemeanor, juvenile delinquency, and child custody appeals extensions can be granted only by a judge upon motion.
<b>Arizona</b>	–	–	Can be extended by affidavit and order approved by the appellate court judge or clerk of COLR upon motion.
<b>Arkansas</b>	Respondent’s brief must be served and filed within 30 days after opening filing.	Optional. If filed, must be within 15 days after filing of respondent’s brief.	May be extended by motion. Seven-day oral extension by clerk approved by appellate court.
<b>California</b>	Respondent’s brief must be served and filed within 30 days after opening is filed.	Optional. If filed, must be within 20 days after filing of respondent’s brief.	In criminal appeals counsel may not stipulate. In civil can be extended by stipulation of counsel, not to exceed 60 days, or by affidavit or order approved by clerk or judge.
<b>Colorado</b>	Within 30 days after service of appellant’s opening brief.	If filed, is due 14 days after service of respondent’s brief.	Can be extenuated by stipulation of counsel or affidavit and order approved by an appellate judge.
<b>Connecticut</b>	30 days after filing of appellant’s opening brief.	Must be filed 20 days after filing of appellee’s brief.	Time for any brief can be extended on motion to appellate clerk.
<b>Delaware</b>	Within 30 days of opening brief.	Within 15 days after filing appellee’s brief.	By stipulation of counsel or clerk and order of justice or on a motion to a justice.
<b>District of Columbia</b>	Within 30 days of opening brief. There is an additional 5 days if the brief was served by mail.	If filed, is due 21 days after service an appellant of respondent’s brief.	Can be extended by motion of counsel, granted by appellate court clerk, or CJ after two extensions have been granted.
<b>Florida</b>	20 days from service of petitioner’s brief except in capital cases.	20 days from service of respondent’s brief except in capital cases.	Can be extended by motion or stipulation of counsel not to exceed 30 days, unless special circumstances are shown.
<b>Georgia</b>	Within 40 days after docketing the case or within 20 days after filing of appellant’s brief whichever is later.	No provision but supplemental briefs may be filed by either side up to time of decision in COLR. Permission required in IAC.	May be extended by request and approval of appellate court.

Table 2.5 – Filing of Respondents’ Briefs (continued)

<b>State</b>	<b>Deadline to file a respondent’s brief</b>	<b>Deadline to file closing brief</b>	<b>Approval of deadline extensions</b>
<b>Hawaii</b>	Must be filed within 40 days after filing appellant’s opening brief. Original and 2 copies are filed.	Optional, if filed must be within 10 days after respondent’s brief. Original and 2 copies are filed.	Any brief’s time can be extended by order of a justice on the court.
<b>Idaho</b>	Must be served and filed within 28 days after filing of appellant’s opening brief.	Must be filed within 21 days after filing respondents brief.	Can be extended by motion supported by affidavit and order approved by supreme court clerk.
<b>Illinois</b>	Must be served and filed within 35 days after due date of appellant’s opening brief.	If filed, is due 14 days after due date of respondent’s brief.	Any brief can be extended by affidavit and order approved by appellate court judge. Motion required.
<b>Indiana</b>	Within 30 days after filing of appellant’s brief.	Within 15 days after filing of appellee’s brief.	Can be extended by request and order approved by appellate court.
<b>Iowa</b>	Within 30 days after service of appellant’s proof brief and designation of parts of the appendix.	If filed, is due within 14 days from the date of service of the appendix.	Any brief can be extended by order of an appellate judge or in some circumstances the clerk.
<b>Kansas</b>	Must be filed 33 days after service of appellant’s opening brief. (30 days plus 3 day mail time, if mailed.)	If filed, within 18 days after service of respondent’s brief (15 days plus 3 day mail time, if mailed).	Any brief can be extended by motion to Appellate Court and subsequent court order allowing extension.
<b>Kentucky</b>	Must be served and filed within 30 days after filing of last appellant’s brief except if appellant is represented by public defender—brief is due 30 days after clerk requests and receives record.	If filed, is due 15 days after filing respondent’s brief.	Request for extension is upon motion and order of appellate court.
<b>Louisiana</b>	Respondent’s brief must be served and filed within 45 days after granting writ. In appeals, brief must be filed within 60 days of lodging of record.	Supplemental briefs on the merits may be filed at any time. However, a brief filed after case is submitted requires a motion.	Within discretion of court. Extension normally will not be granted if the hearing and determination of the case will be retarded.
<b>Maine</b>	Appellant’s brief filed within 30 days of appellant’s.	Appellant’s reply brief may be filed within 14 days of appellee’s.	Extensions are obtained by motion in the COLR.
<b>Maryland</b>	Respondent’s brief must be served and filed within 30 days after filing appellant’s opening brief.	Within 20 days of filing respondent’s brief.	Any brief can be extended by stipulation of counsel if it will not interfere with argument date.
<b>Massachusetts</b>	Must be served within 30 days of appellant’s brief.	Optional, 14 days after service of appellee’s brief or no more than 3 days before oral argument.	By order of appellate court.
<b>Michigan</b>	35 days after service of appellant’s brief for supreme court and IAC.	No provision.	Any briefs can be extended by stipulation of counsel or affidavit and order approved by chief judge. In the supreme court, a motion is required.

Table 2.5 – Filing of Respondents’ Briefs (continued)

<b>State</b>	<b>Deadline to file a respondent’s brief</b>	<b>Deadline to file closing brief</b>	<b>Approval of deadline extensions</b>
<b>Minnesota</b>	Respondent’s brief must be served and filed within 30 days of appellant’s opening brief.	Optional, due within 10 days after service of respondent’s brief.	Can be extended by a motion to the court administrator.
<b>Mississippi</b>	Respondent’s brief must be served and filed within 30 days after filing of appellant’s opening brief.	If filed, is due within 14 days of filing respondent’s brief.	Can be extended by appellate court.
<b>Missouri</b>	Must be served and filed within 30 days of filing appellant’s opening brief. Cross appeal, writ, and transfer briefing schedules are different.	If filed, is due within 15 days after filing of respondent’s brief.	Can be extended by affidavit and order approved by appellate court judge.
<b>Montana</b>	Must be served and filed within 30 days after filing of appellant’s opening brief.	14 days.	Can be approved by affidavit and order of appellate court judge.
<b>Nebraska</b>	Must be filed within 30 days.	If filed, is due 14 days after filing respondent’s brief.	Can be extended by stipulation for not exceeding first 30 days, or by motion approved by appellate court judge. Stipulations or motions for extensions approved by appellate court judge.
<b>Nevada</b>	Served and filed 30 days after service of appellant’s brief. Child custody or visitation: 20 days and capital cases 60 days.	Optional. Served and filed 30 days after service of respondents brief. Child custody or visitation: 10 days. Capital cases: 45 days.	By stipulation of counsel not exceeding 30 days or on motion for good cause shown. Clerk’s office can grant extension except in capital cases or Category A felonies. One 5-day extension can be granted by clerk in fast track criminal appeals.
<b>New Hampshire</b>	Must be served and filed within 30 or 45 days, the latter cases involving extended transcripts, after filing of appellant’s opening brief.	Optional, if filed, it must be no later than 3 days prior to oral argument.	Any brief can be extended by granted motion.
<b>New Jersey</b>	Within 30 days after filing of appellant’s opening brief.	If filed, is due 10 days after filing of respondent’s brief.	Can be extended by affidavit and order approved by judge or clerk acting for judge, by affidavit and order with consent or by motion.
<b>New Mexico</b>	45 days after filing of petitioners/appellant’s opening brief.	20 days after filing of appellee’s answer brief.	Upon motion of party; however, extensions of time are rarely granted by either appellate court.
<b>New York</b>	45 days after service of appellant’s brief in the court of appeals. Brief is due 30 days after service of appellant’s brief in the appellate divisions of the supreme court.	10 days after receipt of respondent’s brief.	By appellate court clerk on good cause shown. In the appellate divisions of the supreme court, any brief can be extended by affidavit and order of appellate court judge or by appellate court clerk. In second department an order for enlargement is needed. Nine-month time limitation can only be extended by court.



Table 2.5 – Filing of Respondents’ Briefs (continued)

State	Deadline to file a respondent’s brief	Deadline to file closing brief	Approval of deadline extensions
<b>North Carolina</b>	Within 30 days after filing of appellant’s opening brief.	Reply brief may be filed within 14 days of either (1) filing of appellee’s brief that raises new or additional questions or (2) entry of order by the court pursuant to Rule 30 (f) dispensing with oral argument.	Can be extended by motion of party and order entered by the appellate clerk.
<b>North Dakota</b>	Within 30 days after service of appellant’s opening brief. Rule 31(a).	If filed, is due 14 days after filing of appellee’s brief. Rule 31(a).	Can be extended by 30 days for good cause shown or upon motion approved by clerk of COLR.
<b>Ohio</b>	Must be filed within 30 days of filing opening brief in the supreme court and must be served and filed within 20 days of filing appellant’s opening brief in the court of appeals.	Reply brief may be filed within 20 days after appellee brief in the supreme court. If filed in the court of appeals, is due within 10 days.	Limited extension by stipulation or on motion approved by court.
<b>Oklahoma</b>	In civil appeals must be served and filed within 40 days of opening brief. In criminal appeals must be served and filed within 60 days of opening brief.	In civil appeals, if filed, is due within 20 days after filing of appellee’s brief. In criminal appeals, permission must be obtained from the court.	Can be extended by application and order of appellate court.
<b>Oregon</b>	49 days.	If filed, is due 21 days after filing of respondent’s brief.	Can be extended by motion and order approved by court.
<b>Pennsylvania</b>	30 days after appellant’s brief.	If filed, must be within 14 days after filing of respondent’s brief. A reply brief must be served and filed so it will be received at least 3 days before oral argument.	Can be extended by order of court upon filing of a petition for extension of time.
<b>Rhode Island</b>	20 days after filing of appellant’s opening brief.	Optional, if filed must be 5 days after filing of respondent’s brief.	Can be extended by affidavit and order approved by Appellate Court clerk.
<b>South Carolina</b>	Respondent must serve one copy of an initial brief upon all parties and file one copy of the brief with the appellate court within 30 days after service of appellant’s brief. Respondent must serve three copies of a final brief (which must be identical to the initial brief except for typos and cites to the record) upon all parties and file 15 copies of the brief with the appellate court within 20 days after service of the record on appeal.	If desired, appellant may serve one copy of an initial reply brief and file one copy of the initial reply brief with the appellate court within 10 days after service of respondent’s brief. Appellant must serve and file the same number of copies of a final reply brief at the same time as specified for the final brief.	The appellate court may grant extensions of time for the filing and service of briefs.
<b>South Dakota</b>	Must be served and filed within 45 days of appellant’s opening brief.	Optional. If filed, must be within 15 days of respondent’s brief.	Can be extended by stipulation of counsel not exceeding 15 days. After default extension must be granted by court.
<b>Tennessee</b>	Within 30 days after filing of appellant’s opening brief.	Optional.	Extensions are granted on motion of the party(ies) and order of the court.

Table 2.5 – Filing of Respondents’ Briefs (continued)

State	Deadline to file a respondent’s brief	Deadline to file closing brief	Approval of deadline extensions
<b>Texas</b>	In the sSupreme court, the brief must be filed 20 days after appellant’s brief is filed. In the court of criminal appeals and court of civil appeals the brief must be served 30 days after petitioner’s brief.	In the supreme court, the brief must be filed 15 days after the appellee’s brief. In the court of criminal appeals no provisions or rules are provided but may be the brief is filed at court’s discretion. In the court of civil appeals the time is specified by rule, now 20 days.	Can be extended on motion and order of appellate court.
<b>Utah</b>	Must be filed within 30 days after service of appellant’s opening brief.	Optional; if filed must be filed within 30 days after service of appellee’s brief.	Can be extended by stipulation of counsel not exceeding 30 days or upon motion granted by appellate judge.
<b>Vermont</b>	21 days after service of appellant’s opening brief.	Within 10 days after service of respondent’s brief.	Can be extended by stipulation of counsel, or order approved by judge.
<b>Virginia</b>	Within 25 days.	Within 14 days.	Can be extended by stipulation of counsel and consent of judge or by motion of party and consent of judge.
<b>Washington</b>	30 days in a civil case and 60 days in a criminal case.	A reply brief is not required but if filed must be within sooner of 30 days after the service of the brief or respondent or 14 days before oral argument.	Can be extended by good cause shown by appellate court.
<b>West Virginia</b>	30 days after receipt of appellant’s brief.	If filed, 15 days after receipt of appellee’s brief.	Can be extended by leave of court.
<b>Wisconsin</b>	20 days for the supreme court and 30 days for the court of appeals.	If filed, 10 days after filing respondent’s brief for the supreme court and 15 days after filing respondent’s brief for the court of appeals.	By motion to appellate court, within guidelines granted by appellate court clerk.
<b>Wyoming</b>	45 days.	Concurrently served 15 days after service of appellee’s brief for reply brief.	By stipulation of counsel or affidavit and order approved by justice.
<b>Federal</b>			
U.S. Supreme Court	Within 30 days of opening brief.	Not applicable.	Extensions of time to file a petition for a writ of certiorari, reply brief on the merits are ruled on by a justice. Extensions of time to file a brief in opposition are ruled on by the clerk.
U.S. Courts of Appeals			
Circuits 2, 3, 4, 6, 7, 8, 9, 10, 11	Within 30 days of opening brief, unless superceded by our scheduling order.	If filed, is due 14 days after service of respondent’s brief.	Initial extensions granted by appellate clerk. Subsequent requests to court.
Circuit 5	Within 30 days of opening brief or 33 days from date on certificate of service of appellant’s brief.	If filed, is due 14 days after service of respondent’s brief or 17 days from date on certificate of service of appellee’s brief.	Can be extended by motion of counsel granted by appellate court clerk or chief justice after one extension has been granted.

Table 2.5 – Filing of Respondents’ Briefs (continued)

State	Deadline to file a respondent’s brief	Deadline to file closing brief	Approval of deadline extensions
<b>Federal</b> U.S. Air Force Court of Criminal Appeals	Appellee has 30 days from the date appellant’s brief has been filed with the court to file an answer brief. Appellant then has 7 days to file a reply brief.	Closing brief must be filed within 7 days.	Extensions of time for filing of briefs can be done by motion of counsel, and the extensions may be granted by the appellate court clerk or by a panel judge.
U.S. Army Court of Criminal Appeals	Within 30 days of opening brief.	If filed, closing brief is due 7 days after filing of respondent’s brief.	Clerk may grant two extensions of time, 60 days each. Further extensions may be granted only by the cognizant panel or in en banc cases, by the chief judge or a delegee.
U.S. Court of Veterans Appeals	Within 30 days of opening brief. See FRAP 31(a), which are superceded by our scheduling order.	If filed, closing brief is due 14 days after service of respondent’s brief.	Granted by appellate clerk. If denied, may be appealed to an applications judge.

**Table 2. – Requirements for Civil Briefs in Appellate Courts**

<b>State</b>	<b>Fee for filing briefs</b>	<b>Deadline to file opening brief and number of copies required</b>	<b>Form of brief</b>	<b>Service of brief</b>
<b>Alabama</b>	There is no filing fee for filing respondent's brief.	Must be filed within 28 days after completion of record. Original and 9 copies for supreme court, original and 5 copies with court of civil appeals and original and 4 copies to the court of criminal appeals.	May be printed or prepared by photocopy process.	Additional copies are served on appellee's counsel.
<b>Alaska</b>	There is no fee for any brief.	Eight copies of opening brief must be filed within 30 days after completion of record, except in child custody cases.	May be printed or prepared by photocopy process.	When brief is filed, it must be accompanied by proof of service of two copies on opposing counsel.
<b>Arizona</b>	Respondent's filing fee of \$70 is paid within 30 days. There are no filing fees in criminal cases. Respondents in special actions must pay a \$70 filing fee at the time the response is filed.	An original and 6 copies must be filed and served within 40 days after notice from clerk to pay docketing fee.	Typewritten or printed form is used.	Forty days for appellee's answering brief; 20 days for appellant's reply is required.
<b>Arkansas</b>	There is no fee for filing briefs.	Seventeen copies are required. Within 40 days after transcript has been filed.	Typewritten/printed form is used.	Additional copies must be served on opposing counsel and on trial judge.
<b>California</b>	There is no fee for filing briefs.	IAC—an original plus four copies. COLR—10 copies within 30 days after filing of record on appeal.	Printed/photocopied form is required.	Additional copies must be served on opposing counsel, trial judge, and 5 copies on COLR.
<b>Colorado</b>	Respondent must pay an additional filing fee of \$75 when he enters his or any appearance in the appellate court.	Original and 10 copies, 40 days after record is filed in the supreme court and original and 5 copies, 40 days after record is filed in the court of appeals.	Printed or prepared by photocopy process.	Usually served by U.S. mail.
<b>Connecticut</b>	There is no additional fee for filing respondent's brief.	Twenty-five copies + original in supreme court and 15 copies + original in appellate court. Due 45 days from appeal if no transcript is needed and 45 days from delivery date of transcript if transcript is needed.	May be typewritten on 8 1/2 x 11 paper.	Served by mail or hand.
<b>Delaware</b>	There is no additional fee for filing briefs.	Original and seven copies 30 days after filing of record or 45 days after filing of an appeal which designates no transcript.	Typewritten, printed, or photocopy is required.	Copies of brief must be served on appellee.
<b>District of Columbia</b>	There is no additional fee for filing of briefs.	Original and three copies 40 days after filing of record.	May be typewritten or photocopied, or printing. Covers are not required.	Copy of brief must be served on appellee.

Table 2.6 – Requirements for Civil Briefs in Appellate Courts (continued)

State	Fee for filing briefs	Deadline to file opening brief and number of copies required	Form of brief	Service of brief
<b>Florida</b>	There is no additional fee for filing respondent's brief.	Original and 7 copies to COLR, within 70 days of notice of appeal. Briefing schedules are different depending on type of appeal. In the district courts of appeal, an original plus 3 copies to IAC filed within 70 days of filing notice of appeal. Appeal of non-final order requires an initial brief with three copies be filed within 15 days of the notice of appeal.	Typewritten, photocopied, or printed are needed.	Must be served to district court, and all counsel, or the parties if unrepresented.
<b>Georgia</b>	There is no additional fee for filing respondent's brief.	Original and 7 copies to COLR. Original and 2 copies to Court of Appeals. Both within 20 days.	Pro se may be handwritten.	Mailed or delivered to appropriate appellate court and all parties.
<b>Hawaii</b>	There is no additional fee for filing respondent's brief.	Opening brief original and 2 copies, 40 days after docketing of record on appeal. If assigned to COLR each party must file five more copies; if assigned to IAC each party must file four more copies.	Printed or photocopied.	Must be serviced at or before the time of filing.
<b>Idaho</b>	There is no additional fee for filing respondent's brief.	Original and 9 copies within 35 days after filing of record and transcripts and served on counsel.	Typewritten, printed, photocopied.	Two copies of all briefs served on all parties.
<b>Illinois</b>	There is an additional fee of \$15 for filing respondents brief in the supreme court. There is no fee for filing briefs in the appellate courts. Appellee pays \$15 appearance fee.	In the supreme court, 20 copies within 35 days of filing record. In the appellate courts, 9 copies within 35 days of filing record.	Typewritten, word-processing, printed, or photocopied.	In the supreme court, mail or personal services and in the appellate courts, parties serve each other.
<b>Indiana</b>	There is no fee for filing briefs.	Original and 8 copies 30 days after filing of record.	Typewritten word processing system, or standard typographical printing. May be reproduced by duplicating or copying process that produces a distinct black image on white paper.	Must be served on all parties in the trial court.
<b>Iowa</b>	There is no filing fee for appellee's brief.	Two copies of a proof brief and four copies of a designation of parts of the appendix within 50 days of docketing. Original and 17 copies within 14 days of service of appendix.	Printed or photocopied.	One copy of proof brief and designation of parts of the appendix and must be served two copies of final brief.

Table 2.6 – Requirements for Civil Briefs in Appellate Courts (continued)

State	Fee for filing briefs	Deadline to file opening brief and number of copies required	Form of brief	Service of brief
<b>Kansas</b>	There is no filing fee for briefs.	Sixteen copies within 40 days of docketing if no transcript to be prepared or within 30 days after certificate of completion of transcript.	Printed or photocopied.	Additional copies must be served on the attorney for the—5 copies.
<b>Kentucky</b>	There is no additional fee for filing respondent's brief.	Supreme court requires 10 copies. Court of Appeals requires five copies. Time in which to perfect appeal begins from the date the trial court certifies the record. Thirty days is allowed if no videotaped proceedings are certified as part of the record. Sixty days is allowed if the proceedings are presented on videotape.	Printed, typed or photocopied.	Must be served on opposing counsel and trial judge.
<b>Louisiana</b>	There is no additional filing fee for respondent's brief. Only amicus \$100.	In the COLR, an original and 15 copies. For writs, application is due within 25 days of grant and response is due within 45 days of grant. For appeals, appellant's is due within 30 days of lodging of record. For appellee's it is due within 60 days of lodging of records. In the IAC, the uniform rules require an original and seven copies to be filed with the intermediate appellate court. Appellant's brief is due 25 days from the date of lodging and the appellee's brief is due 45 days from the date of lodging.	Typewritten, photocopied, printed.	In the COLR, by mail or hand. In the COLR, attorneys are charged with the responsibility of certifying that a copy of the brief was served on all parties and all counsel of record.
<b>Maine</b>	There is no filing fee for respondent's briefs.	10 copies within 40 days of filing record.	Printed, photocopied.	—
<b>Maryland</b>	There is no additional fee for filing respondent's brief.	Fifteen copies (no original needed) 40 days after record docketed For exception see Rule 8-207(a).	Printed, photocopied.	—
<b>Massachusetts</b>	There is no additional filing fee for respondent's brief.	In the COLR, an original and 17 copies are due 40 days after docketing. In the IAC, 7 copies of the brief due 40 days after the docketing.	Printed, photocopied.	Two copies to each opposing party/counsel.

Table 2.6 – Requirements for Civil Briefs in Appellate Courts (continued)

<b>State</b>	<b>Fee for filing briefs</b>	<b>Deadline to file opening brief and number of copies required</b>	<b>Form of brief</b>	<b>Service of brief</b>
<b>Michigan</b>	There is no additional filing fee for respondent's brief.	Court of appeals original and 4 copies, 56 days after filing transcript. Supreme court 24 copies, 56 days after leave to appeal is granted.	Typewritten or printed with specific cover colors.	–
<b>Minnesota</b>	There is no additional filing fee for respondent's brief.	Two unbound and 12 bound copies are required in the supreme court and two unbound and seven bound in the court of appeals 30 days after delivery of transcript.	Print or facsimile form.	Personal or by mail.
<b>Mississippi</b>	There is no additional filing fee for respondent's brief.	One original and three copies, 40 days after record is filed with clerk.	Printed, photocopied, or typewritten.	–
<b>Missouri</b>	There is no additional filing fee for respondent's brief.	Number of copies is determined by local court rule. In supreme court original plus nine copies.	Printed, photocopied.	–
<b>Montana</b>	There is no additional fee for filing brief.	Original and nine copies; within 30 days after filing of record.	Typewritten, printed, photocopied.	Additional copies of brief must be served on counsel of record.
<b>Nebraska</b>	There is no further fee for filing respondent's brief.	Original and 16 copies; within 60 days if reporter's transcript was requested or seven to 10 weeks if no transcript was requested—depending on case type.	Printed, typewritten, photocopied.	Two copies of brief to be served on all other parties by regular or certified U.S. mail.
<b>Nevada</b>	Respondent does not pay an additional filing fee when filing his brief.	Original and two copies within 120 days of docketing in supreme court. Ninety days in child custody or visitation appeals.	Typewritten and photocopied.	Additional copies must be served on counsel for each party separately represented.
<b>New Hampshire</b>	There is no additional fee for filing respondent's brief.	Original and 12 copies; within 30 or 45 days, the latter cases involving extended transcripts, after briefing order.	Printed, photocopied.	Additional copies must be served on all opposing counsel and unrepresented parties.
<b>New Jersey</b>	No fee for respondents brief on appeal.	Original and four copies in IAC; 9 copies in COLR; 45 days after transcript is filed in IAC; 45 days after notice of appeal in COLR.	Typewritten, photocopied, printed. May be hand-written for pro se appeals. Specific format requirements set forth in Rules of Court.	Two additional copies must be served on adversary, and Attorney General if constitutional questions.
<b>New Mexico</b>	There is no additional fee required beyond \$125 filing fee.	Original and 4 copies in IAC; original and six copies in COLR; 45 days after transcript is filed.	Typewritten, printed, photocopied pursuant to requirements mandated in appellate rules.	Additional copies must be served on opposing counsel.

Table 2.6 – Requirements for Civil Briefs in Appellate Courts (continued)

State	Fee for filing briefs	Deadline to file opening brief and number of copies required	Form of brief	Service of brief
<b>New York</b>	There is no filing fee for filing briefs.	Refer to the rules of the court in which the appeal is pending.	Printed, typewritten, photocopied.	Additional copies must be served on opposing counsel.
<b>North Carolina</b>	In the COLR, there is no filing fee for filing briefs. In the IAC, respondent's filing fee varies (\$1.75 per page printing deposit).	Only an original; within 30 days after printed record is mailed from appellate court.	Typewritten, printed, photocopied with original signatures.	Additional copies must be served on opposing counsel.
<b>North Dakota</b>	There is no additional filing fee for appellee's brief.	Opening brief and appendix original, and seven copies; within 40 days after filing of transcript if one is filed, or within 40 days after filing notice of appeal.	Printed, photocopied.	Additional copies of brief and appendix must be served on opposing counsel. Filing of appendix may be deferred upon request.
<b>Ohio</b>	There is no additional fee for filing appellee's brief.	In the COLR, an original and 18 copies within 90 days after filing of record. In the IAC, an original and (see local rules) copies; 20 days after filing of record.	Typewritten, photocopied.	Must be served on counsel for all parties.
<b>Oklahoma</b>	–	Original and 14 copies in typewritten/ photocopied form or original and 15 copies in printed form; within 60 days after receipt of completion of record.	Typewritten, photocopied, printed.	On all parties or their counsel.
<b>Oregon</b>	–	Original and 20 copies; within 49 days.	Any legible duplication process.	After transcript is settled.
<b>Pennsylvania</b>	There is no fee for filing any briefs.	15 to 25 copies depending on the court. (If party filed in paupera then 15 copies); 40 days after lower court record is filed. Only 7 copies are required in the superior court. In the commonwealth court, 15 copies depending on the court. (If party filed in paupera then 15 copies); 40 days after lower court record is filed.	Typewritten, photocopied. Some pro se briefs are handwritten.	Additional copies must be served on opposing counsel.
<b>Rhode Island</b>	There is a filing fee of \$150 for miscellaneous petitions filed in the supreme court except in habeas corpus.	Original and nine copies; 40 days after docketing of appeal.	Typewritten, photocopied.	Additional copies must be served on respondent's attorney of record.



Table 2.6 – Requirements for Civil Briefs in Appellate Courts (continued)

<b>State</b>	<b>Fee for filing briefs</b>	<b>Deadline to file opening brief and number of copies required</b>	<b>Form of brief</b>	<b>Service of brief</b>
<b>South Carolina</b>	No fees are charged for filing briefs. A party filing a motion must pay a \$25 fee.	Appellant must file one copy of an initial brief with the appellate court within 30 days after receiving the transcript or, if no transcript is necessary within 30 days after serving the notice of appeal.	Printed, photocopied.	Additional copies must be served on opposing counsel.
<b>South Dakota</b>	–	Original and 14 copies; within 45 days of receipt of transcript, or of service of notice of appeal or within 25 days in adoption or abuse and neglect proceedings.	Printed, photocopied.	–
<b>Tennessee</b>	There is no filing fee for filing respondent's brief.	Original and four copies (five copies in COLR). Served and filed within 30 days after record on appeal is filed.	Typewritten, photocopied.	Additional copies must be served on all attorneys of record on the case.
<b>Texas</b>	There is no fee for filing a brief.	In the COLR, an original and 11 copies upon request of the supreme court. In the courts of appeals, an original and 5 copies; 30 days after service and filing of record from the trial court.	Typewritten, photocopied, printed. 50 page limit double spaced.	Additional copies must be served on all attorneys of record on the case.
<b>Utah</b>	There are no fees for filing briefs in an appeal.	Original and nine copies in supreme court and original and seven copies in court of appeals; opening brief due 40 days after record index received.	Appellate rules set forth numerous requirements.	Two copies must be served on opposing party by mail or personal service.
<b>Vermont</b>	There is no additional fee for filing respondent's brief.	Twelve copies; in civil additional copies may be served on attorney general if constitutional questions raised. Due 30 days after record complete.	Printed, photocopied, typewritten.	Two copies to opposing party.
<b>Virginia</b>	There is no additional fee for filing respondent's brief.	In the COLR, an original and 19 copies; 40 days after appeal is awarded. In the IAC, an original and 6 copies; 40 days after record is received in an appeal of right.	Typewritten, printed, photocopied.	Three copies mailed or delivered to opposing counsel.

Table 2.6 – Requirements for Civil Briefs in Appellate Courts (continued)

State	Fee for filing briefs	Deadline to file opening brief and number of copies required	Form of brief	Service of brief
<b>Washington</b>	In the COLR, there is no additional fee for filing respondent's brief. In the IAC, no fees are charged for filing briefs but the court needs multiple copies of briefs and the parties pay the reproduction costs.	Original clerk arranges for reproduction of necessary copies; 45 days after filing record and the appellate court is responsible for reproducing the necessary copies.	–	At the time of filing a copy must be served on every other party and any amicus curiae.
<b>West Virginia</b>	There is no fee for filing respondent's or any other briefs.	Original and nine copies; within 30 days after receipt of order granting appeal.	A photocopy.	Additional copies served on opposing counsel.
<b>Wisconsin</b>	There is no additional fee for filing briefs.	In IAC, on 3J cases—10 copies, on 1J cases—8 copies, if indigent—3 copies within 40 days. In COLR, 22 copies within time set forth in court order.	If monospaced, goes by page limit. If proportional font, length of brief is by word count. Printed; photocopied.	Three additional copies on opposite party.
<b>Wyoming</b>	None.	Original and six copies; within 45 days in all cases.	Printed, typewritten, photocopied.	Additional copies served on opposite party.
<b>Federal</b>				
U.S. Supreme Court	There is a \$200 fee for filing a petition for rehearing.	Forty copies are required for cases on the paid docket, 10 copies are required for cases on the in forma pauperis docket.	Filing must be in accordance with Rule 33 of the Court's Rules.	All parties must be served in accordance with Rule 29 of this Court's Rules.
U.S. Courts of Appeals				
Second Circuit	None.	Original and ten copies are due on the date specified in the scheduling order.	See FRAP 28 32.	See FRAP 31(b).
Third Circuit	–	Original and nine copies 40 days after filing of record. Appellant's brief in criminal cases is required to be filed 30 days after completion of record.	See FRAP 28 32.	Two copies of brief must be served on appellee.
Fourth Circuit	None.	Eight copies are due 40 days after completion of record.	See FRAP 28 32.	See FRAP 28 and 32.
Fifth Circuit	–	Original and 6 copies 40 days after filing of record.	Rule 32 revised 8-1-97.	Two copies of brief must be served on appellee.
Sixth Circuit	None.	One proof brief, signed original and 5 copies of final brief.	FRAP 28 and 32.	FRAP 31(b).
Eighth Circuit	None.	Original and nine copies are due on the date specified in the scheduling order.	See FRAP 28 and 32 and eighth circuit Rule 28A and 30A.	FRAP31(b).

Table 2.6 – Requirements for Civil Briefs in Appellate Courts (continued)

State	Fee for filing briefs	Deadline to file opening brief and number of copies required	Form of brief	Service of brief
<b>Federal</b> Ninth Circuit	None.	Original and 15 copies, 40 days from filing of record unless circuit court sets schedule. Pro se litigants need an original and 7 copies.	Blue covers. Content and format governed by FRAP 28.	FRAP 31(b).
Eleventh Circuit	None.	Original and 6 copies 40 days after filing of record.	See FRAP 28 and 32.	FRAP 31(b).
U.S. Air Force Court of Criminal Appeals	None.	Not applicable.	Not applicable.	Not applicable.
U.S. Army Court of Criminal Appeals	None.	Not applicable.	Not applicable.	Not applicable.
U.S. Court of Veterans Appeals	–	Original and 3 copies 30 days after filing of record.	Prescribed by rules.	Copies of brief must be served on appellee.

**Table 2.7 – Requirements for Criminal Briefs in Appellate Courts**

<b>State</b>	<b>Deadline to file opening brief and number of copies required</b>	<b>Form of brief</b>	<b>Service of brief</b>
<b>Alabama</b>	Twenty-eight days after completion of record and five copies must be filed.	May be printed or prepared by photocopy process.	Additional copies are served on appellee's counsel.
<b>Alaska</b>	Felonies are 30 days, 7 copies. Misdemeanors are 20 days and 7 copies, and sentence appeals are 15 days and 3 copies.	May be printed or prepared by photocopy process.	When brief is filed it must be accompanied by proof of service and two copies on opposing counsel.
<b>Arizona</b>	An original and six copies must be filed and served within 40 days after notice to attorneys of completion of record. In supreme court, 70 days in death penalty cases for appellant opening brief.	Typewritten or printed form.	40 days for appellee's answering brief, 20 days for reply brief.
<b>Arkansas</b>	Seventeen copies are required within 40 days after transcript has been filed.	Typewritten or printed form.	Additional copies must be served on opposing counsel and on trial judge.
<b>California</b>	Appellate court—an original/4 copies. COLR—10 copies within 40 days after filing of record on appeal.	Typewritten or proportionately spaced.	Additional copies must be served on opposing counsel and on trial judge.
<b>Colorado</b>	In the COLR, an original and 10 copies. In the IAC, an original and 5 copies.	Printed or prepared by photocopy process.	Usually by U.S. mail.
<b>Connecticut</b>	Twenty-five copies + original in supreme court and 15 copies plus original in appellate court. Due 45 days from appeal if no transcript is needed and 45 days from delivery date of transcript, if transcript is needed.	May be typewritten on 8 1/2 11 paper.	By mail or hand.
<b>Delaware</b>	Original and seven copies. Original and 11 copies in death sentence appeals.	Typewritten, printed, or photocopy.	Thirty days of filing of record or 45 days after filing of an appeal which designates no trial record.
<b>District of Columbia</b>	Original and three copies 40 days after filing of record.	Briefs may be typewritten or photocopied in lieu of printing. Covers are not required.	Copy of brief must be served on appellee.
<b>Florida</b>	In the COLR, an original and 7 copies, within 70 days of notice of appeal. Briefing schedules are different depending on type of appeal. In the IAC, an original and 3 copies within 30 days of certification and transmittal of the record from the trial court or designation of the public defender, whichever is later.	Typewritten, photocopied, or printed are needed.	Must be served to district court, and all counsel, or the parties if unrepresented.
<b>Georgia</b>	Original and seven copies to COLR. Original and two copies to court of appeals. Both within 20 days.	Printed or photocopied.	Sent to appropriate appellate court. Filed with court and serviced to opposing counsel.

Table 2.7 – Requirements for Criminal Briefs in Appellate Courts (continued)

<b>State</b>	<b>Deadline to file opening brief and number of copies required</b>	<b>Form of brief</b>	<b>Service of brief</b>
<b>Hawaii</b>	Opening brief original and two copies. Forty days after docketing of record on appeal. If assigned to COLR each party must file 5 more copies; if assigned to IAC each party must file 4 more copies.	Printed or photocopied.	Must be served at or before time of filings.
<b>Idaho</b>	Original and nine copies within 35 days after filing of record and transcripts and served on counsel.	Typewritten, printed, photocopied.	Two copies of all briefs served on all parties.
<b>Illinois</b>	In the COLR, 20 copies within 35 days of filing record. If court appointed counsel then 15 copies. In IAC 9 copies within 35 days of filing record.	Typewritten, word-processing, printed, or photocopied.	Mail or personal service.
<b>Indiana</b>	Original and eight copies 30 days after filing of record.	Typewritten.	On all parties of record in the appellate court.
<b>Iowa</b>	Two copies of a proof brief and four copies of a designation of parts of the appendix within 50 days of docketing. Original and 17 copies within 14 days of service of appendix.	Printed or photocopied.	One copy of proof brief and designation of parts of the appendix. Two copies of final brief.
<b>Kansas</b>	Sixteen copies within 40 days of docketing if no transcript to be prepared or within 30 days after certificate of completion of transcript.	Printed or photocopied.	Additional copies must be served on the attorney for the appellee—five copies and one copy to the attorney general.
<b>Kentucky</b>	The supreme court requires 10 copies. The court of appeals requires 5 copies within 30 days. Time in which to perfect appeal begins from the date the trial court certifies the record. In the court of appeals, 30 days are allowed if no videotaped proceedings are certified as part of the record. Sixty days are allowed if the proceedings are presented on videotape.	Printed, typed, or photocopied.	Must be served on opposing counsel and the trial judge.
<b>Louisiana</b>	In the COLR, an original and 15 copies. For writs, application is due within 25 days of grant and response is due within 45 days of grant. For appeals, appellant's is due within 30 days of lodging of record. For appellee's it is due within 60 days of lodging of records. In the IAC, an original and 3 to 7 copies within 25 days of lodging of record.	Typewritten, photocopied, printed.	By mail or by hand. Appellant must certify that he served opposing counsel.
<b>Maine</b>	Ten copies within 30 days of filing record.	Printed, photocopied.	—

Table 2.7 – Requirements for Criminal Briefs in Appellate Courts (continued)

<b>State</b>	<b>Deadline to file opening brief and number of copies required</b>	<b>Form of brief</b>	<b>Service of brief</b>
<b>Maryland</b>	Fifteen copies (no original needed) 40 days after record docketed.	Printed, photocopied.	–
<b>Massachusetts</b>	In the COLR, an original and 17 copies 40 days after docketing. In the IAC, 7 copies of the brief 40 days after docketing.	Printed, photocopied.	Two copies of each counsel for the other side.
<b>Michigan</b>	In the supreme court 24 copies, 56 days after leave to appeal is granted. In the court of appeals original and 4 copies, 56 days after filing transcript.	Typewritten or printed with specific cover colors.	–
<b>Minnesota</b>	Two unbound and 12 bound copies in the supreme court and 2 unbound and 7 bound in the court of appeals 30 days after delivery of transcript.	Print or facsimile form.	Mail or personal delivery.
<b>Mississippi</b>	One original and three copies, 40 days after record is filed with clerk.	Printed, photocopied, or typewritten.	–
<b>Missouri</b>	Number of copies is determined by local court rule. In supreme court original plus nine copies.	Printed or photocopied.	–
<b>Montana</b>	Original and 9 copies; within 30 days after filing of transcript.	Typewritten, printed, photocopied.	Additional copies of brief must be served on counsel of record.
<b>Nebraska</b>	Original and 16 copies; within 60 days if reporter's transcript was requested or seven to ten weeks if no transcript was requested—depending on case type.	Printed, typewritten, photocopied.	Two copies of briefs to be served on all other parties by regular or certified U.S. mail.
<b>Nevada</b>	Original and two copies within 120 days of docketing. Fast track statements due 30 days after notice of appeal filed in district court. Direct appeals in capital cases due 70 days after record filed.	Typewritten and photocopied.	Additional copies must be served on counsel for each party separately represented.
<b>New Hampshire</b>	Original and 12 copies; within 30 or 45 days, the latter cases involving extended transcripts, after briefing order.	Printed or photocopied.	Additional copies must be served on all opposing counsel and unrepresented parties.
<b>New Jersey</b>	Original and four copies in IAC; nine copies in COLR; 45 days after transcript is filed in IAC; 45 days after notice of appeal in COLR.	Typewritten, photocopied, printed. May be hand-written for pro se appeals. Specific format requirements set forth in Rules of Court.	Two additional copies must be served on adversary and attorney general if constitutional questions.
<b>New Mexico</b>	Original and 6 copies in COLR; 45 days after transcript is filed and original and 4 copies in IAC;	Typewritten, printed, photocopied pursuant to requirements mandated in appellate rules.	Additional copies must be served on opposing counsel.

Table 2.7 – Requirements for Criminal Briefs in Appellate Courts (continued)

<b>State</b>	<b>Deadline to file opening brief and number of copies required</b>	<b>Form of brief</b>	<b>Service of brief</b>
<b>New York</b>	In the COLR, an original and 19 copies within 60 days from grant of leave to appeal. In the 1st and 2nd departments, 1 copy 20 days after filing of record and in the 3rd and 4th departments, an original and 3 copies; 20 days after filing of record.	Printed, typewritten, photocopied.	Additional copies must be served on opposing counsel.
<b>North Carolina</b>	Only an original; within 30 days after printed record is mailed from appellate court.	Typewritten, printed, or photocopied with original signatures.	Additional copies must be served on opposing counsel.
<b>North Dakota</b>	Opening brief and, appendix, original and seven copies; within 40 days after filing of transcript if one is filed, or within 40 days after filing notice of appeal.	Printed or photocopied.	Additional copies of brief and appendix must be served on opposing counsel. Filing of appendix may be deferred on request.
<b>Ohio</b>	In the COLR, an original and 18 copies within 40 days after filing record. In the IAC, an original and copies according to the local rules; 20 days after filing of record.	Typewritten or photocopied.	Must be served on counsel for all parties.
<b>Oklahoma</b>	Original and five copies.	Typewritten or photocopied.	On all parties or their counsel.
<b>Oregon</b>	Original and 20 copies; within 49 days.	Any legible duplication process.	After transcript is settled.
<b>Pennsylvania</b>	Fifteen to twenty-five copies depending on the court (if party filed in paupera, then 15 copies); 40 days after lower-court record is filed. Only 7 copies are required in the superior court, and in the commonwealth court, 15 copies depending on the court (if party filed in paupera, then 15 copies); 40 days after lower-court record is filed.	Typewritten or photocopied. Some pro se briefs are handwritten.	Additional copies must be served on opposing counsel.
<b>Rhode Island</b>	Original and nine copies; 40 days after docketing of appeal.	Typewritten or photocopied.	Additional copies must be served on respondent's attorney of record.
<b>South Carolina</b>	Appellant must file one copy of an initial brief with the appellate court within 30 days after receiving the transcript or, if no transcript is necessary within 30 days after serving the notice of appeal.	Printed or photocopied.	Additional copies must be served on opposing counsel.
<b>South Dakota</b>	Original and 14 copies within 45 days of receipt of transcript, or of service of notice of appeal.	Printed or photocopied.	–

Table 2.7 – Requirements for Criminal Briefs in Appellate Courts (continued)

State	Deadline to file opening brief and number of copies required	Form of brief	Service of brief
<b>Tennessee</b>	Original and three copies (five copies in COLR). Served and filed within 30 days after record on appeal is filed.	Typewritten or photocopied.	Additional copies must be served on all attorneys of record on the case.
<b>Texas</b>	In the court of criminal appeals, an original and 11 copies; 30 days after review is granted. In the IACs, an original and five copies; 30 days after service and filing of record from the trial court.	Typewritten, photocopied, printed.	Additional copies must be served on all attorneys of record on the case.
<b>Utah</b>	Original and nine copies in supreme court and original and 7 copies in court of appeals; opening brief due 40 days after record index received.	Appellate rules set forth numerous requirements.	Two copies must be served on opposing party by mail or personal service.
<b>Vermont</b>	12 copies; 30 days after record complete.	Printed, photocopied, typewritten.	Two copies to opposing party.
<b>Virginia</b>	In COLR, original and 19 copies; 40 days after appeal is awarded. In IAC, original and six copies; 40 days after appeal is awarded.	Typewritten, printed, photocopied.	Three copies mailed or delivered to opposing counsel.
<b>Washington</b>	In the COLR, the original clerk arranges for reproduction of necessary copies; 45 days after filing record. In the IAC, one copy of the brief is due 45 days after the filing of the report of proceedings and the appellate court is responsible for reproducing the necessary copies.	–	At the time of filing a copy must be served on every other party and any amicus curiae.
<b>West Virginia</b>	Original and 9 copies within 30 days.	A photocopy.	Additional copies served on opposing counsel.
<b>Wisconsin</b>	In COLR, 22 copies within time set forth in court order. In IAC, on 3J cases—ten copies, on 1J cases—eight copies, if indigent—three copies within 40 days.	If monospaced, goes by page limit. If proportional font, length of brief is by word count. Printed; photocopied.	Three additional copies on opposite party.
<b>Wyoming</b>	Original and 6 copies.	Printed, typewritten, photocopied.	Additional copies served on opposite party.
<b>Federal</b>			
U.S. Supreme Court	Forty copies are required for cases on the paid docket, 10 copies are required for cases on the in forma pauperis docket.	Filing must be in accordance with Rule 33 of the Court's Rules.	All parties must be served in accordance with Rule 29 of this Court's Rules.
U.S. Courts of Appeals			
Second Circuit	Original and 10 copies are due on the date specified in the scheduling order.	See FRAP 28 32.	See FRAP 31(b).



Table 2.7 – Requirements for Criminal Briefs in Appellate Courts (continued)

<b>State</b>	<b>Deadline to file opening brief and number of copies required</b>	<b>Form of brief</b>	<b>Service of brief</b>
<b>Federal</b>			
Third Circuit	Original and nine copies 40 days after filing of record. Appellant's brief in criminal cases is required to be filed 30 days after completion of record.	See FRAP 28 32.	Two copies of brief must be served on appellee.
Fourth Circuit	Eight copies are due 40 days after completion of record. Six copies if defendant had appointed counsel.	See FRAP 28 32.	See FRAP 28 32.
Fifth Circuit	Original and six copies 40 days after filing of record.	Rule 32 revised 8-1-97.	Two copies of brief must be served on appellee.
Sixth Circuit	One proof brief, signed original, and 5 copies of final brief.	FRAP 28 32.	FRAP 31(b).
Eighth Circuit	Original and 10 copies are due on the date specified in the scheduling order.	See FRAP 28 and 32 also Eighth Circuit Rules 28A and 30A.	FRAP 31(b).
Ninth Circuit	Original and 15 copies of opening brief are due 40 days from filing of record unless circuit court sets schedule; the clerk sets a schedule in a vast majority of instances.	Blue covers. Content and format governed by FRAP 28.	FRAP 31(b).
Eleventh Circuit	Original and six copies 40 days after filing of record.	See FRAP 28 and 32.	See FRAP 31(b).
U.S. Air Force Court of Criminal Appeals	One original and two copies of an appellate brief must be filed with the court within 60 days of filing of the record of trial.	Original typed copy or facsimile transmitted copy acceptable. Format prescribed by Joint Rules of Practice and Procedure of the Court of Criminal Appeals.	Appellee has 30 days from the date appellant's brief has been filed with the court to file an answer brief. Appellant then has 7 days to file a reply brief.
U.S. Army Court of Criminal Appeals	In panel cases, original copy only is required 60 days after the record has been filed. When commissioner (law clerk) is required.	Original typed copy or facsimile transmitted copy acceptable. Format prescribed by Joint Rules of Practice and Procedure of the Court of Criminal Appeals.	Copies of brief must be served on appellee.
U.S. Court of Veterans Appeals	Not applicable.	Not applicable.	Not applicable.

**Table 2.8 – Amicus Curiae Briefs**

State/Court	Court uses amicus curiae briefs	Approximate number of cases per year	Case types for which amicus curiae briefs are used
<b>Alabama</b>			
Supreme Court	Yes	–	–
Court of Criminal Appeals	Yes	< 1%	–
Court of Civil Appeals	Yes	< 5%	–
<b>Alaska</b>			
Supreme Court	Yes	20	Civil, criminal
Court of Appeals	Yes	10	Criminal
<b>Arizona</b>			
Supreme Court	Yes <sup>1</sup>	Unknown	Civil, criminal
Court of Appeals	Yes	Unknown	–
<b>Arkansas</b>			
Supreme Court	Yes	<5%	All
Court of Appeals	Yes	<5%	All
<b>California</b>			
Supreme Court	Yes	–	Civil, criminal
Courts of Appeal	Yes	1-2%	All
<b>Colorado</b>			
Supreme Court	Yes <sup>2</sup>	2-3%	Usually civil
Court of Appeals	Yes	<1%	Civil, agency, and workers' compensation
<b>Connecticut</b>			
Supreme Court	Yes	–	All
Court of Appeals	Yes	–	All
<b>Delaware</b>			
Supreme Court	Yes	3%	Civil, family, and criminal
<b>District of Columbia</b>			
Court of Appeals	Yes	< 1%	–
<b>Florida</b>			
Supreme Court	Yes	5%	Cases on the merits
District Courts of Appeal	Yes	<1%	All
<b>Georgia</b>			
Supreme Court	Yes	2-3 times a year <sup>3</sup>	All
Court of Appeals	Yes	5%	All
<b>Hawaii</b>			
Supreme Court	Yes	<15%	Civil
Intermediate Court of Appeals	Yes	<15%	Civil
<b>Idaho</b>			
Supreme Court	Yes	2%	Civil
Court of Appeals	Yes	2%	Civil
<b>Illinois</b>			
Supreme Court	Yes	17%	Civil, criminal
Appellate Court	Yes	1%	Civil

Table 2.8 – Amicus Curiae Briefs (continued)

State/Court	Court uses amicus curiae briefs	Approximate number of cases per year	Case types for which amicus curiae briefs are used
<b>Indiana</b>			
Supreme Court	Yes	Unknown	No limitation
Court of Appeals	Yes	Unknown	No limitation
<b>Iowa</b>			
Supreme Court	Yes <sup>4</sup>	2%	Insurance, health-care, and injunction cases
Court of Appeals	Yes <sup>4</sup>	2%	Insurance, health-care, and injunction cases
<b>Kansas</b>			
Supreme Court	Yes	5%	No limitation
Court of Appeals	Yes	5%	No limitation
<b>Kentucky</b>			
Supreme Court	Yes <sup>5</sup>	–	–
Court of Appeals	No	< 2%	Not applicable
<b>Louisiana</b>			
Supreme Court	Yes	Unknown	No limitation
Courts of Appeal			
District 1	Yes	1%	Civil, criminal
Districts 2 & 3	Yes	1%	Civil, criminal
Districts 4 & 5	Yes	6%	Civil
<b>Maine</b>			
Supreme Judicial Court	Yes	10%	Generally civil
<b>Maryland</b>			
Court of Appeals	–	–	–
Court of Special Appeals	Yes	<1%	Civil
<b>Massachusetts</b>			
Supreme Judicial Court	Yes	20%	Case of first impression, public utility, and other rate-setting cases
Appeals Court	Yes	<1%	All
<b>Michigan</b>			
Supreme Court	–	–	–
Court of Appeals	Yes	1%	Civil
<b>Minnesota</b>			
Supreme Court	Yes	–	–
Court of Appeals	Yes	–	–
<b>Mississippi</b>			
Supreme Court	Yes	5%	Insurance, tort, and state statutes
<b>Missouri</b>			
Supreme Court	Yes	5-10%	All
Court of Appeals	–	–	–
<b>Montana</b>			
Supreme Court	Yes	10%	All

Table 2.8 – Amicus Curiae Briefs (continued)

State/Court	Court uses amicus curiae briefs	Approximate number of cases per year	Case types for which amicus curiae briefs are used
<b>Nebraska</b> Supreme Court	Yes	<1%	Up to parties
<b>Nevada</b> Supreme Court	Yes	< 5%	— <sup>6</sup>
<b>New Hampshire</b> Supreme Court	Yes	5-10%	All
<b>New Jersey</b> Supreme Court	Yes	50% <sup>7</sup>	Civil, criminal
Superior Court, Appellate Division	Yes	1% criminal, 2-3% civil	Civil, criminal
<b>New Mexico</b> Supreme Court	Yes	10%	All
Court of Appeals	Yes	10%	All
<b>New York</b> Court of Appeals	Yes	15%	All
Supreme Court, Appellate Divisions			
First Department	Yes	<5%	Civil, criminal
Second Department	Yes	Very few	—
Third and Fourth Departments	Yes	5%	Varies, mostly civil
<b>North Carolina</b> Supreme Court	Yes	5%	Generally civil
Court of Appeals	Yes	2%	Usually civil
<b>North Dakota</b> Supreme Court	Yes	4%	Constitutional law, civil rights, banking, and medical malpractice
Court of Appeals	Yes	4%	Constitutional law, civil rights, banking, and medical malpractice
<b>Ohio</b> Supreme Court	Yes	Unknown	All
Courts of Appeals	Yes	Unknown (not tracked)	—
<b>Oklahoma</b> Supreme Court	—	—	—
Court of Criminal Appeals	—	—	—
Court of Appeals	—	—	—
<b>Oregon</b> Supreme Court	Yes	1-2%	Civil, criminal
Court of Appeals	Yes	1-2%	All
<b>Pennsylvania</b> Supreme Court	Yes	Cannot approximate	All
Superior Court	Yes	<1%	All
Commonwealth Court	Yes	1%	Appellate
<b>Rhode Island</b> Supreme Court	Yes	1%	All

Table 2.8 – Amicus Curiae Briefs (continued)

State/Court	Court uses amicus curiae briefs	Approximate number of cases per year	Case types for which amicus curiae briefs are used
<b>South Carolina</b>			
Supreme Court	Yes	<1%	All
Court of Appeals	Yes	10	All
<b>South Dakota</b>			
Supreme Court	Yes	2%	Civil
<b>Tennessee</b>			
Supreme Court	Yes	5%	All
Court of Appeals	Yes	5%	Civil
Court of Criminal Appeals	Yes	5%	Criminal
<b>Texas</b>			
Supreme Court	Yes <sup>8</sup>	Not tracked	Rarely used <sup>9</sup>
Court of Criminal Appeals	Yes	1%	High profile with broad implications
Courts of Appeals	Yes	<1%	Varies
<b>Utah</b>			
Supreme Court	Yes	3%	All
Court of Appeals	Yes	3%	All
<b>Vermont</b>			
Supreme Court	Yes	4%	All
<b>Virginia</b>			
Supreme Court	Yes	5%	All
Court of Appeals	Yes	1%	All
<b>Washington</b>			
Supreme Court	Yes	25%	All
Courts of Appeals	Yes	–	All
<b>West Virginia</b>			
Supreme Court of Appeals	Yes	1-5%	Abuse and neglect; insurance; certified questions
<b>Wisconsin</b>			
Supreme Court	Yes	<5%	All
Court of Appeals	Yes	<5%	All
<b>Wyoming</b>			
Supreme Court	Yes	<5%	All
<b>Federal</b>			
U.S. Supreme Court	Yes	2.4%	All
U.S. Courts of Appeals			
Second Circuit	Yes	<5%	All
Fourth Circuit	Yes	4%	Civil, agency, criminal
Fifth Circuit	Yes	20%	Civil
Sixth Circuit	Yes	5%	All
Eighth Circuit	Yes	Unknown	All
Ninth Circuit	Yes	Unknown	All
Eleventh Circuit	Yes	Unknown	All

Table 2.8 – Amicus Curiae Briefs (continued)

State/Court	Court uses amicus curiae briefs	Approximate number of cases per year	Case types for which amicus curiae briefs are used
<b>Federal</b>			
U.S. Air Force Court of Criminal Appeals	Rarely	Unknown	Criminal
U.S. Army Court of Criminal Appeals	Yes	<1%	Criminal
U.S. Court of Veterans Appeals	Yes	5%	Statutory interpretation issues

**Endnotes**

<sup>1</sup> Supreme court uses amicus curiae briefs upon motion of amicus, according to Rule 16 of Rules of Appellate Procedure.  
<sup>2</sup> Court allows amicus to file requests to file amicus curiae briefs.  
<sup>3</sup> Amicus curiae briefs are accepted upon request of amici, as well as request of the court. The court requests amicus only 2-3 times per year.  
<sup>4</sup> An amicus curiae brief may be filed only by leave of the appropriate appellate court or on consent of all parties.  
<sup>5</sup> They are permitted upon request and court order.

<sup>6</sup> Filing allowed by court order or if submitted by federal or state government.  
<sup>7</sup> Caseload of 50% per year only refers to appeals that result in court of last resort opinion.  
<sup>8</sup> Amicus curiae briefs are submitted voluntarily by persons or organizations interested in the questions in a particular case.  
<sup>9</sup> Only one instance in the last ten years in which amicus has been requested.

**Table 2. – Monitoring the Filing of Briefs**

<b>State</b>	<b>Individual(s) responsible for monitoring timely filing of briefs</b>	<b>Individual(s) responsible for giving notices of default/sanctions for failure to file opening brief</b>	<b>Procedures for dismissal for failure to file opening brief</b>
<b>Alabama</b>	The appellate court clerk is responsible for monitoring.	Court may impose monetary sanctions upon counsel. In criminal cases attorneys are reported to the bar.	For failure to file appellant's opening brief or on the court's own motion. If retained, appeal will be dismissed if brief is not filed after notice of default.
<b>Alaska</b>	The appellate court clerk is responsible for monitoring.	Clerk sends notice of default if brief is not timely filed and may dismiss if default is not cured. Court may impose monetary sanctions upon counsel.	Clerk may dismiss an appeal for failure to file opening brief after notice of default to counsel and appellant. The court may dismiss an appeal in such circumstances with or without prior notice.
<b>Arizona</b>	Appellate court clerk is responsible for monitoring the timely filing of briefs and assures compliance with rules.	The court could dismiss upon motion. Established procedures for appellate clerk to give notice of default, and give litigant 10 days to avoid dismissal in civil matters.	The court could dismiss upon motion. A civil appeal may be dismissed by the appellate court for failure to file on court's own motion or after notice of default and expiration of grace period.
<b>Arkansas</b>	Clerk is to assure timely compliance with court rules.	None.	Appeal must be dismissed by COLR for failure to file appellant's opening brief (Rule 4-5).
<b>California</b>	Appellate court clerk.	Rules of COLR require clerk to notify appellant of default and provide a 30 day grace period to avoid dismissal. Rules of IAC require clerk to notify appellant of default and provide a 15 days in civil cases to avoid dismissal. Required to provide 30 days in criminal cases.	On court's own motion after notice of default and expiration of grace period, or respondent's motion to dismiss without oral hearing.
<b>Colorado</b>	Appellate court clerk.	Usually order for show cause is issued by court of appeals.	Failure to file appellant's opening brief on respondent's motion to dismiss without oral hearing; on court's own motion.
<b>Connecticut</b>	Appellate court clerk.	Appellate clerk sends out delinquency notice. If delinquency not remedied promptly, dismissal order sent.	Failure to file appellant's opening brief on appellee's motion to dismiss or on court's own a motion.
<b>Delaware</b>	Supreme court clerk is responsible.	Clerk gives notice of default and gives appellant 7 days' grace period.	Appeals are rarely dismissed for failure to file appellant's opening brief in court. Insurance of a notice to show cause.
<b>District of Columbia</b>	Appellate court clerk is responsible.	The appellate court clerk gives notice of impending dismissal for failure to file brief.	An appeal may be dismissed by the appellate court for failure to file appellant's opening brief.
<b>Florida</b>	Appellate court clerk and opposing party/counsel.	The supreme court will send a notice of dismissal. The district courts of appeal show cause issued by the court either sua sponte or based on appellee's/respondent's filing motion to dismiss.	May be dismissed by an appellate court for failure to file an opening brief on court's own motion.

Table 2.9 – Monitoring the Filing of Briefs (continued)

State	Individual(s) responsible for monitoring timely filing of briefs	Individual(s) responsible for giving notices of default/sanctions for failure to file opening brief	Procedures for dismissal for failure to file opening brief
<b>Georgia</b>	Appellate court clerk is not responsible but does so.	Established procedures provide for clerk to give notice of default for failure to file enumeration of errors and briefs in timely fashion.	May be dismissed by an appellate court for failure to file an opening brief on court's own motion after notice of default and order to file. Seven days after order in civil case and 10 days in criminal case.
<b>Hawaii</b>	Appellate court clerk is not responsible. Parties are responsible.	Notices are sent by clerk when brief is in default.	May be dismissed by appellate court for failure to file appellant's opening brief.
<b>Idaho</b>	Supreme court clerk.	Sanctions include dismissal of appeal, or removal of counsel, fine, or suspension from practice before the appellate courts for 1 year after order to show cause issued.	May be dismissed by supreme court for failure to file appellant's opening brief on respondent's motion to dismiss without oral hearing, on court's own motion, after notice of default and expiration of grace period.
<b>Illinois</b>			
Supreme Court	Supreme court clerk.	Administrative order re civil appeals: dismissal or submitted on brief apt alone for failing to file brief of apt or ape, respectively, with notice. Rarely necessary to employ COLR.	By supreme court for failure to file opening brief, on respondent's motion or on the court's own motion.
Appellate Court			
1st District	Justices and clerk monitor the docket.	Rules of court do not require court clerk to give notice.	By appellate court for failure to file opening brief, on respondent's motion to dismiss without oral hearing, on the court's own motion, or on court's own motion after notice of default and expiration of grace period.
2nd, 3rd, and 4th Districts	Appellate court clerk.	Rules of court do not require court clerk to give notice.	By appellate court for failure to file opening brief, on respondent's motion to dismiss without oral hearing, on the court's own motion, or on court's own motion after notice of default and expiration of grace period.
5th District	Appellate court clerk.	Defaults or sanctions preceded by a rule to show cause.	By appellate court for failure to file opening brief, on respondent's motion to dismiss without oral hearing, on the court's own motion, or on court's own motion after notice of default and expiration of grace period.
<b>Indiana</b>	Appellate court clerk.	None.	May be dismissed by appellate court for failure to file appellant's opening brief on the court's own motion.
<b>Iowa</b>	Appellate court clerk.	Appellate rules require clerk to give notice of default for failure to file briefs in a timely manner and give litigant 15 days' grace period.	Case may be dismissed by appellate court for failure to file appellant's brief with or without notice of default or oral hearing or on the motion of party; or by clerk after issuance of default notice and expiration of grace period.



Table 2.9 – Monitoring the Filing of Briefs (continued)

State	Individual(s) responsible for monitoring timely filing of briefs	Individual(s) responsible for giving notices of default/sanctions for failure to file opening brief	Procedures for dismissal for failure to file opening brief
<b>Kansas</b>	Clerk of the appellate courts.	Clerk is not required to notify litigants of defaults. Either appellate court can show cause for dismissal.	An appeal may be dismissed by the appellate court for failure to file appellant's opening brief on appellee's motion with or without oral hearing or on the court's own motion.
<b>Kentucky</b>	Appellate court clerk.	Supreme court clerk sends to court or dismisses. There are no rules or established procedures in the court of appeals.	May be dismissed for failure to file appellant's opening brief on respondent's motion to dismiss without oral hearing or on court's motion.
<b>Louisiana</b>	Appellate court clerk.	<p>In the supreme court briefs are required in criminal cases. Attorneys are ruled into court if they fail to file. Failure to file a timely brief in the court of appeals results in issuance of a 30-day order and forfeiture of right to oral argument. In criminal cases, failure to file a timely brief results in issuance of a 7-day order and forfeiture of right to oral argument. In criminal cases it may also result in a rule to show cause why attorney should not be held in contempt for failure to file timely brief.</p>	<p>In the supreme court oral argument is waived in civil cases. Attorneys are ruled into court in criminal cases. Cases are not dismissed. In civil cases failure to file a brief on behalf of the appellant results in a dismissal of the appeal as abandoned. Rule 2-8.6 of uniform rules provides for the dismissal of the appeal 30 days after notice of failure to file brief in civil cases only. In criminal cases failure to file a brief on behalf of the defendant or the state results in issuance of a rule to show cause and contempt of court proceedings however cases are not dismissed.</p>
<b>Maine</b>	Appellate court clerk.	Supreme court clerk.	May be dismissed by supreme court for failure to file appellant's opening brief on respondent's motion to dismiss or on court motion.
<b>Maryland</b>	Appellate court clerk.	May be dismissed by appellate court for failure to file appellant's opening brief on respondent's motion to dismiss or on court's motion.	May be dismissed by appellate court for failure to file appellant's opening brief on respondent's motion to dismiss or on court's motion.
<b>Massachusetts</b>	Appellate court clerk.	Notice of administrative dismissal order mailed to all.	By appellate court for failure to file appellant's opening brief without hearing or on court's own motion.
<b>Michigan</b>	Appellate court clerk.	Rules of court require appellate clerk to give notice and give appellant 21 days' grace period.	By appellate court for failure to file appellant's opening brief, or motion of respondent, or on court's own motion after notice of default and expiration of grace period.
<b>Minnesota</b>	Supreme court clerk and supreme court administrator.	Supreme court clerk or administrator advises attorneys by letter 30 days after default.	By supreme court for failure to file appellant's opening brief on respondent's motion to dismiss appeal without oral hearing, and on the court's own motion.

Table 2.9 – Monitoring the Filing of Briefs (continued)

State	Individual(s) responsible for monitoring timely filing of briefs	Individual(s) responsible for giving notices of default/sanctions for failure to file opening brief	Procedures for dismissal for failure to file opening brief
<b>Mississippi</b>	Clerk notifies both sides when appeals are filed thus letting them know briefing schedules have started to run.	No procedures.	By appellate court for failure to file appellant's opening brief on respondent's motion to dismiss appeal without oral hearing, and on the court's own motion.
<b>Missouri</b>	Appellate court clerk.	Established procedure gives clerk authority to give notice of default and gives litigant 15 days' grace period.	By appellate court for failure to file record on appeal on respondent's motion without oral hearing on court's own motion in civil cases, and on court's own motion after notice of default and expiration of grace period in criminal cases.
<b>Montana</b>	Appellate court clerk.	Established procedures require clerk to file opening brief and provide a grace period.	By appellate court for failure to file appellant's opening brief on respondent's motion to dismiss appeal, with or without oral hearing, on court's motion, on court's motion after default and expiration of grace period.
<b>Nebraska</b>	Clerk is responsible.	Rules of court require clerk to give notice of default in failure to file briefs in timely manner, and to give 10 days grace period.	By appellate court for failure to file appellant's opening brief on court's own motion after notice of default and expiration of grace period.
<b>Nevada</b>	Clerk monitors timely filing of briefs.	Court issues order to show cause why case should not be dismissed or judgment reversed or counsel sanctioned.	By the appellate court for failure to file appellant's opening brief on respondent's motion to dismiss without oral hearing only or on court's own motion.
<b>New Hampshire</b>	Appellate court deputy clerk monitors.	No rule or procedure requires clerk to notify appellant of default.	An appeal will be dismissed for failure to file appellant's opening brief.
<b>New Jersey</b>	Appellate court clerk monitors.	IAC sends scheduling order and deficiency notices; COLR sends deficiency notices. Dismissal for lack of proper prosecution.	By appellate court for failure to file appellant's opening brief, on respondent's motion to dismiss appeal without oral hearing, or on court's own motion.
<b>New Mexico</b>	Appellate court clerk monitors.	Appellate court clerk issues notice of default and thereafter issues final mandate if no motion for reinstatement is filed within 15 days of issuance of the notice.	May be dismissed by court of appeals or supreme court for failure to file appellant's opening brief on respondent's motion to dismiss and oral hearing or on court's own motion.
<b>New York</b>	Appellate court clerk.	In the COLR, the clerk's office gives notice. For the IACs, refer to rules.	Appeal may be dismissed by appellate court for failure to file an opening brief by respondent's written motion without oral hearing or on the court's own motion.

Table 2.9 – Monitoring the Filing of Briefs (continued)

State	Individual(s) responsible for monitoring timely filing of briefs	Individual(s) responsible for giving notices of default/sanctions for failure to file opening brief	Procedures for dismissal for failure to file opening brief
<b>North Carolina</b>	Appellate court clerk monitors.	No procedure.	By appellate court for failure to file an opening brief on respondent's motion to dismiss without oral hearing or on court's motion.
<b>North Dakota</b>	Supreme court clerk monitors.	Clerk notifies appellant of default in failure to file timely opening brief.	By clerk of COLR upon stipulation of counsel and by court for failure to file appellant's opening brief on appellee's motion to dismiss, with or without an oral hearing, or on court's own motion.
<b>Ohio</b>	Clerk of supreme court.	Failure to prosecute notice mailed to appellant.	By court pursuant to supreme court rule. In the IAC, by court for failure to file appellant's opening brief on respondent's motion to dismiss, with or without oral hearing, and on court's own motion.
<b>Oklahoma</b>	Appellate court clerk is not responsible.	No provisions.	In COLR, appeal may be dismissed for failure to file appellant's opening brief on court's own order. In IAC, appeal may not be dismissed for failure to file brief. The cause is submitted on fundamental error.
<b>Oregon</b>	The state court administrator is responsible.	Established procedures require clerk to notify parties of default and give 14 days' grace period.	For failure to file appellant's opening brief on respondent's motion to dismiss appeal without oral hearing, or on court's own motion after notice of default.
<b>Pennsylvania</b>	Appellate court prothonotary is responsible.	In the supreme court the Prothonotary is authorized to issue delinquency notices and recommend to the court sanctions which include dismissal of the appeal. In the superior court the briefing schedule which comes in the form of an order notes that the court will discuss an appeal if appellant fails to file his brief. In the commonwealth court, court order is prepared by chief clerk.	May be dismissed by appellate court for failure to file appellant's brief on court's own motion after notice of default or upon motion of appellee.
<b>Rhode Island</b>	Appellate court clerk monitors.	Established procedure requires clerk to give notice and give litigant 30 days' grace period.	By appellate court for failure to file appellant's opening brief on respondent's motion to dismiss without oral hearing or on court's own motion after notice of default and expiration of grace period.
<b>South Carolina</b>	Appellate court clerk.	The rules do not provide for notice of default or sanctions. When an appeal is dismissed for failure to file a brief of follow other rules, a party may petition the court to reinstate the appeal.	The appellate court on its own motion may dismiss an appeal for failure to file an initial brief, or a respondent may make such a motion.

Table 2.9 – Monitoring the Filing of Briefs (continued)

State	Individual(s) responsible for monitoring timely filing of briefs	Individual(s) responsible for giving notices of default/sanctions for failure to file opening brief	Procedures for dismissal for failure to file opening brief
<b>South Dakota</b>	Appellate court clerk is responsible.	No notice of default in service and filings of briefs. If appellant's brief is not received within 10 days after due date the appeal is dismissed. If appellee's brief is not received within 10 days of due date, appeal is considered on appellant's brief.	By appellate court for failure to file an appellant's opening brief on respondent's motion to dismiss and hearing only or on court's own motion.
<b>Tennessee</b>	The clerk's offices note for the court whether the brief is timely filed, but the office does not monitor in advance the timeliness of the filing.	The court may enter an order to show cause why the appeal should not be either dismissed or disposed of on the record for failure to file a brief. Usually opposing counsel files a motion for such action.	By court for failure to file appellant's opening brief on respondent's motion to dismiss without oral hearing or on court's own motion.
<b>Texas</b>	Appellate court clerk or central staff attorney.	In the courts of appeals civil cases may be dismissed, but in criminal cases the clerk must notify both counsel and trial court and if no response within ten days IAC will order trial court to hold hearing.	By court for failure to file appellant's opening brief on the court's own motion after notice of default. <sup>1</sup>
<b>Utah</b>	Appellate court clerk.	Appellate court enters order dismissing case but subject to automatic reinstatement if brief submitted within 10 days.	On the court's own motion or upon appellee's motion to dismiss.
<b>Vermont</b>	Appellate court clerk monitors.	Periodic progress orders. Dismissal for noncompliance.	By court for failure to file appellant's opening brief on respondent's motion to dismiss without oral hearing or on the court's own motion.
<b>Virginia</b>	The court clerk is responsible.	If no opening brief is filed the appeal is dismissed. A late brief may result in denial of oral argument.	By court for failure to file appellant's opening brief on respondent's motion to dismiss without oral hearing, or on court's motion.
<b>Washington</b>	Appellate court clerk monitors.	Failure to comply with rules may result in imposition of sanctions or terms, or dismissal of appeal.	–
<b>West Virginia</b>	Clerk monitors.	No procedure.	By court for failure to file appellant's opening brief on court's own motion.
<b>Wisconsin</b>	Appellate court clerk monitors.	Established procedure that includes grace period.	By court for failure to file an appellant's opening brief on respondent's motion, and on court's own motion after notice of default and expiration of grace period.
<b>Wyoming</b>	Clerk monitors.	Dismissals for want of prosecution.	By court for failure to file an appellant's opening brief on respondent's motion, and on court's own motion. (Appellant has 15 days to ask for reinstatement.)

Table 2.9 – Monitoring the Filing of Briefs (continued)

State	Individual(s) responsible for monitoring timely filing of briefs	Individual(s) responsible for giving notices of default/sanctions for failure to file opening brief	Procedures for dismissal for failure to file opening brief
<b>Federal</b>			
U.S. Supreme Court	The clerk is responsible.	Not applicable.	Not applicable.
U.S. Courts of Appeals	Appellate court clerk is responsible.	The appellate court clerk gives notice of impending dismissal for failure to file brief in all circumstances.	An appeal may be dismissed by the appellate court for failure to file appellant's opening brief.
U.S. Air Force Court of Criminal Appeals	Appellate court clerk is responsible.	Not applicable.	Failure to file a brief will not result in dismissal of the case since the court is required by law to review the cases under its jurisdiction. Detailed military appellate defense counsel are appointed in every case to represent appellant.
U.S. Army Court of Appeals	Appellate court clerk is responsible.	Unless withdrawn by the appellant, appellant review is required by statute.	There can be no dismissal in cases arising under Article 66 of the Uniform Code of Military Justice. Assigned military appellate defense counsel are available to assist an appellant in the event of default by civilian counsel.
U.S. Court of Veterans Appeals	Appellate court clerk is responsible.	The appellate court clerk gives notice of impending dismissal for failure to file brief.	An appeal may be dismissed by the appellate court for failure to file appellant's opening brief.

**Endnotes**

<sup>1</sup> In the court of appeals, civil cases the court may dismiss for want of prosecution, may decline to dismiss and give further direction to case or, if appellee's brief is filed, may regard that brief as correct

and affirm trial court's judgment. In criminal cases, the court cannot dismiss a case for failure to file a brief. Court may consider case without briefs as justice may require.

**Table 3.1 – Rules of Appellate Procedure**

<b>State</b>	<b>Decision-making unit responsible for making and amending appellate court rules</b>	<b>Composition of rule-making body</b>	<b>Participation of clerks in rule-making process</b>	<b>Last revision of appellate court rules</b>	<b>Method of publishing and disseminating appellate rules</b>
<b>Alabama</b>	Supreme court.	Not applicable.	Clerks participate in suggesting and commenting on proposed appellate rule changes.	The rules of appellate procedure are revised as needed, with the last revision made on 11-19-96.	Appellate court rules are published in <i>Alabama Rules of Court</i> , which includes civil, small claims, appellate, juvenile, juvenile admin, and FRAP.
<b>Alaska</b>	Supreme court.	Not applicable.	Clerks participate in suggesting and commenting on proposed appellate rule changes.	Appellate Court Rules were last completely revised in 1998. Amendments are adopted on a continuous basis as the need arises.	Appellate rules and other rules of court are published in bound volumes, supplemented in January, by a private publishing company under an agreement with the court system.
<b>Arizona</b>	Supreme court.	Not applicable.	Clerks may participate in suggesting and commenting on proposed appellate rule changes.	Appellate rules are revised as often as necessary with the last revision on 6-10-97 effective 1-1-98.	Appellate court rules are published as part of Arizona Reports, Arizona Revised Statutes and Pacific Reporter Advance Sheets.
<b>Arkansas</b>	Supreme court.	7 justices.	Clerks participate in suggesting and commenting on proposed appellate rule changes.	Appellate court rules are revised when needed. The last revision was 6-30-97.	Appellate court rules are published in book form: <i>Court Rule Vote r an a Co e</i> .
<b>California</b>	Judicial Council.	Number of members and composition of Judicial Council:  15 Judges 4 Attorneys <u>2 Legislators</u> 21 Total	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes and as advisory member to the Judicial Council.	Appellate rules are amended semi-annually with the last revision on 1-1-97.	Appellate court rules are published in legal textbooks.
<b>Colorado</b>	Supreme court.	The Rules Committee consists of:  5 Judges <u>12 Attorneys</u> 17 Total  The Rules Committee of IAC consists of:  2 Judges <u>10 Attorneys</u> 12 Total	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes.	Appellate court rules are revised as needed.	The appellate court rules are published as part of one or more legal texts and in Colorado Revised Statutes.

Table 3.1 – Rules of Appellate Procedure (continued)

State	Decision-making unit responsible for making and amending appellate court rules	Composition of rule-making body	Participation of clerks in rule-making process	Last revision of appellate court rules	Method of publishing and disseminating appellate rules
<b>Connecticut</b>	Judges at the two appellate levels are responsible for making and amending the appellate court rules.	–	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes.	Appellate rules are revised as needed with the last major revision in 1996.	Appellate rules are published in such form as the Reporter of Judicial Decisions deems advisable.
<b>Delaware</b>	Supreme court.	The five justices review suggestions from the Rules Committee.	Appellate court clerks participate in suggesting proposed appellate rule changes.	The last major revision was in 1978. Appellate rules are revised as needed.	Appellate court rules are published in pamphlet form and as part of: The Delaware Code Annotated.
<b>District of Columbia</b>	Court of appeals.	All active judges of the court.	The clerk, chief deputy clerk, senior staff attorney and other staff members participate in suggesting and commenting on appellate rule changes.	The rules are revised as needed with the last omnibus revision in 1985 and the last individual rule change in 1996.	The appellate court rules are published in private publications. (Availability on electronic bulletin board is anticipated.)
<b>Florida</b>	Supreme court.	Not applicable.	Appellate court clerks sometimes participate in suggesting and commenting on proposed appellate rule changes.	Appellate rules are revised every four years with the last revision in 1996.	Appellate court rules are published in binder and pamphlet form. Also on the Internet.
<b>Georgia</b>	The court amends its own rules and those of the trial courts.	The councils of the various classes of trial courts recommend amendments to the supreme court.	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes.	Appellate rules are revised as needed with the last revision on 6-1-97. Court of appeals was last revised on 1-1-95.	Appellate court rules are published in pamphlet form and as part of one or more legal texts.
<b>Hawaii</b>	Supreme court.	–	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes.	Appellate rules are revised from time to time (no set policy) with the last major revision at the end of 1997.	West Group, The Michie Co., and the Book Publishing Company publish appellate court rules.
<b>Idaho</b>	The supreme court and a committee appointed by supreme court and chaired by a justice.	Private attorneys, state government attorneys, and court staff.	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes.	Appellate rules are revised at various times; they were last revised in September 1997.	Appellate court rules are published in a bound volume with supplements.
<b>Illinois</b>	Supreme court.	Not applicable.	Appellate court clerks sometimes participate in suggesting and commenting on proposed appellate rule changes.	Major revision in December 1993 but minor revisions are ongoing. The last revision was September 1997.	Rules disseminated by clerk of supreme court as adapted or amended and published in advance sheets.

Table 3.1 – Rules of Appellate Procedure (continued)

State	Decision-making unit responsible for making and amending appellate court rules	Composition of rule-making body	Participation of clerks in rule-making process	Last revision of appellate court rules	Method of publishing and disseminating appellate rules
<b>Indiana</b>	Supreme court.	Not applicable.	Appellate court clerk participates in suggesting and commenting on proposed appellate rule changes.	Appellate rules are revised once a year. They were last revised in 1998.	Appellate court rules are published in advance sheets and distributed to all county clerks.
<b>Iowa</b>	The Supreme court with a subcommittee recommending changes. Most appellate rules may be changed by supreme court order. Certain changes must be reported to the legislature by the supreme court.	The 13 member advisory committee consists of 10 attorneys and 3 supreme court justices.	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes.	Appellate rules are revised annually or as needed. The last major revision was 1993.	Appellate court rules are published in binder form and as part of one or more legal texts, and on the court's web page.
<b>Kansas</b>	Supreme court.	Not applicable.	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes.	Appellate rules are revised approx. once each year with the last revision in August 1997.	Appellate court rules are published annually in a soft cover volume entitled "Rules adopted by the Supreme Court of Kansas."
<b>Kentucky</b>	Supreme court.	Not applicable.	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes.	Rules are revised annually; current policy provides for amending the civil and criminal rules every other year and supreme court rules in the alternate years.	Appellate court rules are published as part of one or more legal texts and mailed to attorneys.
<b>Louisiana</b>	In COLR, Chief justice appoints a continuous revisions committee charged with studying the rules of practice and procedure and making recommendations to improve them. In IAC, Legislature, Judicial Council, and Law Institute are responsible for legislation governing appellate procedure – Code of Civil Procedure, Children's Code, and Code of Criminal Procedure.	In COLR, committee consists of 2 justices of this court, one court of appeal judge, 1 judge of another court, 2 members of the bar, one of whom should be a district attorney. In IAC, judge and clerk representative of each of the appellate courts and supreme court.	Appellate court clerks participate in suggesting and commenting on proposed appellate rule changes.	Supreme court rules are revised as required. Last revision was 12-23-97. Appellate court rules are revised every year. The last revision was 1997.	Appellate court rules are published as part of one or more legal texts. Also released on the Internet.



Table 3.1 – Rules of Appellate Procedure (continued)

State	Decision-making unit responsible for making and amending appellate court rules	Composition of rule-making body	Participation of clerks in rule-making process	Last revision of appellate court rules	Method of publishing and disseminating appellate rules
Maine	Supreme court.	Not applicable.	Appellate court clerks sometimes participate in suggesting and commenting on proposed appellate rule changes.	Rule may change at any time. Last major changes were in February 1995.	Appellate court rules are published as part of one or more legal texts. They are included in ME Civil Procedures and ME Criminal Procedures published by West in the annual Maine Rules of Court. Amendments are published by the court's slip opinion services and in the A.2d advance sheets.
Maryland	The Rules Committee recommends changes and the COLR is responsible for making and amending appellate rules.	The Rules Committee consists of: 6 judges 16 attorneys 1 state senator 1 state delegate 1 circuit court clerk <u>25 Total</u>	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	Appellate rules are revised January 1 and July 1, except for emergencies.	The appellate court rules are published in binder form and book form both by private printing companies. Actual amendments are published by Maryland Register.
Massachusetts	The Supreme Judicial Rules Committee is responsible for making and amending appellate rules.	Standing Advisory Committee makes recommendations to the Supreme Judicial Committee.	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	Appellate rules are revised as necessary.	The appellate court rules are published as part of one or more legal texts.
Michigan	Supreme court.	Not applicable.	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	Appellate rules are revised frequently on an ad hoc basis.	The appellate court rules are published as part of one or more legal texts.
Minnesota	Supreme court.	Not applicable.	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	The last revision was 1993.	Appellate court rules are published in pamphlet form and as part of one or more legal texts.
Mississippi	Supreme court.	Not applicable.	–	Appellate rules were last revised 9-25-97. Actual adoption of MRAP was 12-15-97.	Appellate court rules are published in pamphlet form.
Missouri	Supreme Court.	A special committee of the supreme court reviews and makes recommendations to the supreme court.	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	Appellate court rules are revised as necessary.	The appellate court rules are published as part of one or more legal texts.

Table 3.1 – Rules of Appellate Procedure (continued)

State	Decision-making unit responsible for making and amending appellate court rules	Composition of rule-making body	Participation of clerks in rule-making process	Last revision of appellate court rules	Method of publishing and disseminating appellate rules
<b>Montana</b>	Supreme court.	Not applicable.	Participation of appellate court clerks in rule changes is minimal.	The last revision was in 1997.	Published in codes.
<b>Nebraska</b>	Supreme court.	Not applicable.	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	Appellate rules are revised as needed. The last revision was in 1996. Updates to rules are distributed once a year. Latest updates were 1997.	Rule amendments are printed in Nebraska Advance Sheets. Updates are mass mailed to all licensed attorneys once a year.
<b>Nevada</b>	Supreme court.	Not applicable.	The appellate court clerk participates in suggesting proposed rule changes. Clerk's office assists chief justice in processing rule change petitions.	Appellate rules' last major revision was effective September 1996. More changes are in progress.	Appellate court rules are published in binder form, pamphlet form, and as part of legal texts.
<b>New Hampshire</b>	Supreme court.	Supreme court's Advisory Committee on Rules reviews and makes recommendations to the court.	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	The last revision of appellate rules was in 1998.	Appellate court rules are notices in Bar Assoc. semi-monthly publication, and later published in binder form, pamphlet form, and as part of one or more legal texts.
<b>New Jersey</b>	Supreme court.	Not applicable.	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	Appellate rules are revised biannually; the last revision was in 1996.	Appellate court rules are published in pamphlet form.
<b>New Mexico</b>	Supreme court.	Not applicable.	Clerks do not participate in the rule-making process.	Ongoing revisions. Refer to <i>New Mexico Law on Demand</i> for most recent versions of court rules.	Rules are published on <i>New Mexico Law on Demand</i> and in official softbound volumes published by Michie.
<b>New York</b>	Statutes require legislative action; certain rules may be amended by judicial action.	Not applicable.	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	Appellate rules are revised as needed. The last revision was 10/97.	Published in binder format, private publishers, and computer bulletin boards.
<b>North Carolina</b>	Supreme court.	Not applicable.	Appellate court clerks participate in suggesting and commenting on proposed appellate rules changes.	Appellate rules are revised as needed. The last revision was 7-1-97.	The appellate court rules are published as part of the General Statutes, Supreme Court Reports, Court of Appeals Report, and court's web site.

Table 3.1 – Rules of Appellate Procedure (continued)

State	Decision-making unit responsible for making and amending appellate court rules	Composition of rule-making body	Participation of clerks in rule-making process	Last revision of appellate court rules	Method of publishing and disseminating appellate rules
North Dakota	Supreme court.	A joint procedure committee appointed by the chief justice after consultation with the supreme court: 10 are judges and 10 are attorneys, and one liaison member appointed by the State Bar Association. They submit recommendations to the supreme court.	The appellate court clerk does participate in suggesting appellate rule changes and serves on ad hoc committees.	Appellate rules are revised continuously. The latest revision was 3-1-97. Other changes are pending.	Appellate court rules are published in pamphlet form and are available from West Publishing, and are also included in the ND Century Code.
Ohio	Supreme court.	Not applicable.	Appellate court clerks do participate in suggesting and commenting on appellate rule changes.	Appellate rules are revised as needed. The last revision was 7-1-97.	The appellate court rules are published as part of one or more legal texts.
Oklahoma	Supreme court.	Not applicable.	Appellate court clerks do participate in suggesting and commenting on appellate rule changes.	Appellate rules are revised as needed.	The appellate court rules are published as part of one or more legal texts.
Oregon	Supreme court.	Not applicable.	Appellate court clerks do participate in suggesting and commenting on appellate rule changes.	Appellate rules are revised as needed. The last revision was 1996.	The appellate court rules are published as part of one or more legal texts.
Pennsylvania	Supreme court.	Not applicable.	Appellate prothonotaries are ex-officio members of the Appellate Rules Committee.	Appellate rules are revised as needed. The last revision was 1997.	Rules are published in pamphlet form. West Publishing prepares a copy that is available to the bar and public to buy. Changes and additions are disseminated by the prothonotary's office to courts. Also available on court's web site.
Rhode Island	Supreme court.	Not applicable.	Appellate court clerks do participate in suggesting and commenting on appellate rule changes.	Appellate rules are frequently updated. The last revision was 1998.	The appellate court rules are published as part of Vol. 2B of RI General Laws.

Table 3.1 – Rules of Appellate Procedure (continued)

State	Decision-making unit responsible for making and amending appellate court rules	Composition of rule-making body	Participation of clerks in rule-making process	Last revision of appellate court rules	Method of publishing and disseminating appellate rules
<b>South Carolina</b>	Supreme court, following submission to and non-rejection by the legislature.	Not applicable.	Appellate court clerks do participate in suggesting and commenting on appellate rule changes.	Appellate court rules are revised as needed. Last revision was August 1997.	The appellate rules are published as part of the court register.
<b>South Dakota</b>	Supreme court.	Not applicable.	Appellate court clerks do participate in suggesting and commenting on appellate rule changes.	The rules of appellate procedure were completely revised in 1979. Each year amendments are made as deemed necessary by supreme court.	The appellate court rules are published as part of one or more legal texts.
<b>Tennessee</b>	Rules of Appellate Procedure must be approved by the legislature.	Appellate Rules Commission.	Appellate court clerks participate in suggesting and commenting on appellate rule changes.	Appellate rules are revised annually. The last revision was July 1997.	The appellate court rules are published as part of one or more legal texts (Vol. 5A Code) and in book form by West and Michie.
<b>Texas</b>	The supreme court makes and amends civil and appellate rules; the court of criminal appeals makes and amends criminal rules.	Not applicable.	Appellate court clerks participate in suggesting and commenting on appellate rule changes	Last revision was September 1997 but rules are subject to revision at any time.	Published in <i>Te a Bar Journa</i> at least 60 days before effective date. <i>Bar Journa</i> is sent to every member of the bar.
<b>Utah</b>	Supreme court with assistance of Advisory Committee on Appellate Rules whose members are appointed by the supreme court.	Not applicable.	Appellate Court Administrator is voting member of Advisory Committee who seeks input from two appellate clerks of court.	Appellate rules are revised as needed.	The appellate court rules are published as part of one or more legal texts.
<b>Vermont</b>	Supreme court.	Not applicable.	Appellate court clerks participate in suggesting and commenting on appellate rule changes.	Appellate rules are revised about once a year. The last revision was 1997.	The appellate court rules are published as part of one or more legal texts.
<b>Virginia</b>	Supreme court on advice of Judicial Council.	In COLR, Judicial Council has: 9 judges <u>2 attorneys</u> 11 total In IAC, Judicial Council has 10 judges, 2 attorneys, and 3, additional persons for a total of 15.	Appellate court clerks do participate in suggesting and commenting on appellate rule changes.	Supreme court rules are revised whenever needed. The last revision was 1-27-98. Appellate rules are revised whenever needed. The last revision was effective 10-1-97.	The appellate court rules are published as part of one or more legal texts.

Table 3.1 – Rules of Appellate Procedure (continued)

State	Decision-making unit responsible for making and amending appellate court rules	Composition of rule-making body	Participation of clerks in rule-making process	Last revision of appellate court rules	Method of publishing and disseminating appellate rules
<b>Washington</b>	Supreme court.	Supreme court.	Appellate court clerks participate in suggesting and commenting on appellate rule changes.	There is a thorough review of the rules with significant amendments every four years and minor revisions are made regularly.	The appellate court rules are published officially in the Washington Reports.
<b>West Virginia</b>	Supreme court.	Not applicable.	Appellate court clerks do participate in suggesting and commenting on appellate rule changes.	Appellate rules are revised as required. The last major revision was 1995.	The appellate court rules are not published in pamphlet form.
<b>Wisconsin</b>	Supreme Court Judicial Council and legislature.	Judicial Council consists of: a COLR justice; an IAC judge; 4 circuit court judges; 8 ex officio members or their designees; (2 citizens (appt. by governor); 3 members of state bar, the state public defender, and one district attorney appointed by the governor. Total 21.	Appellate court clerks participate in suggesting and commenting on appellate rule changes.	The rules of appellate procedure are revised as needed. The last amendments were effective 7-1-97.	By official publishers in bound volumes also on home pages.
<b>Wyoming</b>	Supreme court.	7 lawyers, 1 Judge, 1 law professor, staff consultants, 1 court attorney, and the Clerk of the supreme court.	The supreme court clerk participates in suggesting appellate rules changes.	The rules are amended as needed. The last revision was 6-13-97 and became effective on 10-1-97.	Cum. Supp. Wyoming Court Rules published in binder form by Michie Co. Amendments are usually printed in advance sheets of p.2d and in the WY Reporter.
<b>Federal</b> U.S. Supreme Court	The court is responsible for its own rules.	A committee of three justices proposes changes to the full court for approval.	The clerk, chief deputy clerk, senior staff attorney and other staff members participate in suggesting and commenting on appellate rule changes.	The rules are revised as needed: the last revision was in January 1997.	The court rules are published in many locations to include West's Federal Civil Judicial Procedure and Rules Manual.
U.S. Courts of Appeals Second Circuit	Court of appeals for local rules and Judicial Conference for FRAP.	Same as above.	Same as above.	The rules are revised as needed: the last revision was 12-1-96.	Same as above.

Table 3.1 – Rules of Appellate Procedure (continued)

State	Decision-making unit responsible for making and amending appellate court rules	Composition of rule-making body	Participation of clerks in rule-making process	Last revision of appellate court rules	Method of publishing and disseminating appellate rules
<b>Federal</b> Third Circuit	Same as above.	Same as above.	Same as above.	The rules are revised as needed: the last revision was 11-1-97.	The appellate court rules are published in United States Code Annotated, are available through the court at no charge, and are available on computerized bulletin board.
Fourth Circuit	Same as above.	Same as above.	Same as above.	The rules are revised as needed: the last revision was 9-30-97.	Same as above.
Fifth Circuit	Same as above.	Proposed changes are submitted to the full court for approval.	Same as above	The rules are revised as needed: the last revision was May 1997. A new revision is underway. Planned adoption is 12/98 or 1/99.	Same as above. Rules are also available on Internet web site.
Eighth Circuit	The court is responsible for its own rules.	A committee of three justices proposes changes to the full court for approval.	The clerk, chief deputy clerk, senior staff attorney and other staff members participate in suggesting and commenting on appellate rule changes.	The rules are revised as needed: the last revision was in January 1997.	The Court rules are published in many locations to include West's Federal Civil Judicial Procedure and Rules Manual.
Ninth Circuit	The court is responsible for its own rules.	Rule amendments must be approved by full court; proposed amendments reviewed by statutorily mandated advisory committee and circulated to bar for comment.	The clerk, chief deputy clerk, senior staff attorney and other staff members participate in suggesting and commenting on appellate rule changes.	The rules are revised as needed: the last revision was July 1997.	The court rules are published in many locations to include West's Federal Civil Judicial Procedure and Rules Manual.
Eleventh Circuit	Court of appeals for local rules and Judicial Conference for FRAP.	A committee of three justices proposes changes to the full court for approval.	The clerk, chief deputy clerk, senior staff attorney and other staff members participate in suggesting and commenting on appellate rule changes.	FRAP – 12/01/96. Civ.R – 1/02/96.	The court rules are published in many locations to include West's Federal Civil Judicial Procedure and Rules Manual.

Table 3.1 – Rules of Appellate Procedure (continued)

State	Decision-making unit responsible for making and amending appellate court rules	Composition of rule-making body	Participation of clerks in rule-making process	Last revision of appellate court rules	Method of publishing and disseminating appellate rules
<b>Federal</b> U.S Air Force Court of Criminal Appeals	Appellate court rules for military appellate courts are established by committee with representatives from each service. Rules are approved and issued by the Judge Advocates General of the armed forces.	The rule making body consists of a committee formed temporarily to achieve the purpose of rewriting the rules and composed of representatives from each of the military services.	Members of the Court, judges and clerks, participate with suggestions and comments of any changes.	The rules are revised as needed. The latest revision of rules was May 1996.	The appellate rules are published in the West Military Justice Reporter, the Federal Register and Code of Federal Regulations. Internal rules are published and distributed locally.
U.S. Army Court of Criminal Appeals	Appellate court rules for military appellate courts are established by committee with representatives from each service. Rules are approved and issued by the judge advocates general of the armed forces.	No permanent rule making body.	The clerk, chief deputy clerk, senior staff attorney, and other staff members participate in suggesting and commenting on appellate rule changes.	Joint rules published in 1996. Army Court of Criminal Appeals internal rules also issued in 1996.	The appellate rules are published in the West Military Justice Reporter, the Federal Register and Code of Federal Regulations. Internal rules are published and distributed locally.
U.S. Court of Veterans Appeals	Court of appeals.	Board of judges.	Clerk is court liaison to Rules Advisory Committee.	The rules are revised as needed: the last revision was April 1998.	The appellate court rules are published in Veterans Appellate Reporter, 38 U.S.C.A., Westlaw, Lexis, and BBS.

**Table 3.2 – Granting of Discretionary Petitions**

State/Court	How the court decides to grant discretionary petitions				Number of justices needed to grant petitions
	En banc	Panel	Commissioner	Single justice	
<b>Alabama</b>					
Supreme Court	Yes	No	–	No	5
Court of Criminal Appeals	Yes	All	–	–	3
Court of Civil Appeals	Yes <sup>1</sup>	All	–	–	3
<b>Alaska</b>					
Supreme Court	Yes	–	–	No <sup>2</sup>	3
Court of Appeals	Yes	–	–	No <sup>2</sup>	2
<b>Arizona</b>					
Supreme Court	Yes	Yes	No	No	3
Court of Appeals	No	Yes	–	No	2
<b>Arkansas</b>					
Supreme Court	No discretionary jurisdiction	–	–	–	–
Court of Appeals	No discretionary jurisdiction	–	–	–	–
<b>California</b>					
Supreme Court	Yes	–	No	No <sup>3</sup>	4
Courts of Appeal	No	Yes	No	No <sup>3</sup>	2
<b>Colorado</b>					
Supreme Court	Yes	–	–	No	3
Court of Appeals	No discretionary jurisdiction	–	–	–	–
<b>Connecticut</b>					
Supreme Court	Yes	No	–	No	3
Appellate Court	Yes	No	–	No	2
<b>Delaware</b>					
Supreme Court	Yes	Yes	–	No	3
<b>District of Columbia</b>					
Court of Appeals	No	Yes	–	No	1 or 2 <sup>4</sup>
<b>Florida</b>					
Supreme Court	No	Yes	–	Yes (habeas)	4
District Courts of Appeal	No	Yes	–	No	3
<b>Georgia</b>					
Supreme Court	Yes	–	–	No	4
Court of Appeals	No	Yes	–	No	4 <sup>5</sup>
<b>Hawaii</b>					
Supreme Court	Yes	5	–	No	3
Intermediate Court of Appeals	No <sup>6</sup>	3	–	No	2



Table 3.2 – Granting of Discretionary Petitions (continued)

State/Court	How the court decides to grant discretionary petitions				Number of justices needed to grant petitions
	En banc	Panel	Commissioner	Single justice	
<b>Idaho</b>					
Supreme Court	Yes	–	–	No	3
Court of Appeals	No discretionary jurisdiction <sup>7</sup>	–	–	–	–
<b>Illinois</b>					
Supreme Court	Yes	–	–	No	4
Appellate Court	No	Yes	–	No	2
<b>Indiana</b>					
Supreme Court	Yes	–	No	No	3
Court of Appeals	No	Yes	No	No	2
Tax Court	No discretionary jurisdiction	–	–	–	–
<b>Iowa</b>					
Supreme Court	No	Yes <sup>8</sup>	–	No	2
Court of Appeals	No discretionary jurisdiction <sup>9</sup>	–	–	–	–
<b>Kansas</b>					
Supreme Court	Yes	–	–	No	3
Court of Appeals	No discretionary jurisdiction	–	–	–	–
<b>Kentucky</b>					
Supreme Court	Yes	–	–	No	4
Court of Appeals	No	Yes	–	No	2
<b>Louisiana</b>					
Supreme Court	No	Yes	–	No	4
Courts of Appeal	No	Yes	–	No	2
<b>Maine</b>					
Supreme Judicial Court	Yes	Yes <sup>10</sup>	–	No	Varies
<b>Maryland</b>					
Court of Appeals	Yes	–	–	No	3
Court of Special Appeals	No	Yes	–	Yes	Varies
<b>Massachusetts</b>					
Supreme Judicial Court	Yes	–	–	No	2 or 3 <sup>11</sup>
Appeals Court	No	No	–	Yes	1
<b>Michigan</b>					
Supreme Court	Yes	–	No	No	4
Court of Appeals	No	Yes	No	No	2
<b>Minnesota</b>					
Supreme Court	Yes	No	No	No	3
Court of Appeals	No	Yes	–	No	2

Table 3.2 – Granting of Discretionary Petitions (continued)

State/Court	How the court decides to grant discretionary petitions				Number of justices needed to grant petitions
	En banc	Panel	Commissioner	Single justice	
<b>Mississippi</b>					
Supreme Court	Yes	Yes <sup>12</sup>	–	Yes <sup>12</sup>	Varies
Court of Appeals	No	–	–	–	–
<b>Missouri</b>					
Supreme Court	Yes	–	–	No	4
Court of Appeals	No discretionary jurisdiction		–	–	–
<b>Montana</b>					
Supreme Court	Yes	Yes	–	No	4
<b>Nebraska</b>					
Supreme Court	Yes	No	–	No	4
Court of Appeals	No	Yes	–	No	–
<b>Nevada</b>					
Supreme Court	No discretionary jurisdiction		–	–	–
<b>New Hampshire</b>					
Supreme Court	Yes	–	–	Yes	1
<b>New Jersey</b>					
Supreme Court	Yes	–	–	No	3
Superior Court, Appellate Division	No	Yes <sup>13</sup>	No	No	2 <sup>13</sup>
<b>New Mexico</b>					
Supreme Court	Yes	No	–	No	3
Court of Appeals	No	No	No	Yes <sup>14</sup>	1 <sup>14</sup>
<b>New York</b>					
Court of Appeals	Yes	–	–	Yes <sup>15</sup>	2 (civil)
Supreme Court, Appellate Divisions	No	Yes	–	No	3
<b>North Carolina</b>					
Supreme Court	Yes	–	–	No	3
Court of Appeals	No	Yes	–	No	2
<b>North Dakota</b>					
Supreme Court	No discretionary jurisdiction		–	–	–
Court of Appeals	No discretionary jurisdiction		–	–	–
<b>Ohio</b>					
Supreme Court	Yes	–	–	No	4
Courts of Appeals	No discretionary jurisdiction		–	–	–
<b>Oklahoma</b>					
Supreme Court	Yes	–	–	–	5
Court of Criminal Appeals	Yes	–	–	–	3
Court of Civil Appeals	No discretionary jurisdiction		–	–	–

Table 3.2 – Granting of Discretionary Petitions (continued)

State/Court	How the court decides to grant discretionary petitions				Number of justices needed to grant petitions
	En banc	Panel	Commissioner	Single justice	
<b>Oregon</b>					
Supreme Court	Yes	–	–	No	3
Court of Appeals	–	–	–	–	–
<b>Pennsylvania</b>					
Supreme Court	Yes	–	–	No	3
Superior Court	Yes	Yes	–	No	No
Commonwealth Court	Yes	Yes	–	Yes	No
<b>Rhode Island</b>					
Supreme Court	Yes	No	–	No	1
<b>South Carolina</b>					
Supreme Court	Yes	–	–	No	2
Court of Appeals	No discretionary jurisdiction	–	–	–	–
<b>South Dakota</b>					
Supreme Court	Yes	–	–	No	3
<b>Tennessee</b>					
Supreme Court	Yes	–	–	No	2
Court of Appeals	No	Yes	–	No	2
Court of Criminal Appeals	No	Yes	–	No	2
<b>Texas</b>					
Supreme Court	Yes	–	–	No	4
Court of Criminal Appeals	Yes	–	–	No	4
Courts of Appeals	No discretionary jurisdiction	–	–	–	–
<b>Utah</b>					
Supreme Court	Yes	–	–	No	3
Court of Appeals	No	Yes	–	No	2
<b>Vermont</b>					
Supreme Court	Yes	–	–	No	3
<b>Virginia</b>					
Supreme Court	No	Yes	–	No	1
Court of Appeals	No	Yes	–	Yes	1
<b>Washington</b>					
Supreme Court	No	Yes <sup>16</sup>	Yes <sup>17</sup>	No	5
Courts of Appeals	No	No	Yes	No	1 <sup>18</sup>
<b>West Virginia</b>					
Supreme Court of Appeals	Yes	–	–	No	3

Table 3.2 – Granting of Discretionary Petitions (continued)

State/Court	How the court decides to grant discretionary petitions				Number of justices needed to grant petitions
	En banc	Panel	Commissioner	Single justice	
<b>Wisconsin</b>					
Supreme Court	Yes	–	No	No	3-4 <sup>19</sup>
Court of Appeals	No	Yes <sup>20</sup>	–	Yes <sup>21</sup>	2
<b>Wyoming</b>					
Supreme Court	Yes	–	–	No	3
<b>Federal</b>					
U.S. Supreme Court	Yes	–	–	No	4
U.S. Courts of Appeals	Yes	Yes	–	No	2

**Endnotes**

<sup>1</sup> Decisions on granting petitions are made en banc for extraordinary writs.  
<sup>2</sup> Single justice or court of appeals judge makes recommendations to full court, which then votes en banc.  
<sup>3</sup> Theoretically possible in habeas cases, but not done by single justice.  
<sup>4</sup> Usually one; two are necessary for interlocutory appeals only.  
<sup>5</sup> A dissent on a decision is decided by that panel, the next panel in succession, and a seventh judge.  
<sup>6</sup> Discretionary jurisdiction only if assigned by supreme court.  
<sup>7</sup> All cases are assigned to the court of appeals by the Supreme Court.  
<sup>8</sup> A single justice may make the decision to grant an application for leave to appeal, including applications for interlocutory appeal, discretionary reviews, certifications, or petitions for writs of certiorari.  
<sup>9</sup> The Supreme Court reviews all appellate cases ready for transmission; may transfer cases to the court of appeals.  
<sup>10</sup> Court sits in panel during sentence review cases only.  
<sup>11</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 deciding the case. M.R.A.P. 27.1.  
<sup>12</sup> Depending upon emergency nature of situation.  
<sup>13</sup> Five justices required for a quorum.  
<sup>14</sup> For interlocutory appeals, one calendaring judge may grant review; to deny review, one judge must concur.  
<sup>15</sup> A single judge can make decision to grant review for criminal cases.  
<sup>16</sup> Reviews from trial courts.  
<sup>17</sup> Reviews from IAC.  
<sup>18</sup> One commissioner (rather than one justice).  
<sup>19</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>20</sup> Either a panel of three judges or one judge may make the decision to grant or deny discretionary petitions for leave to appeal, determined by case type and interpreted through statute.  
<sup>21</sup> Permanent in District 3. Judges in Districts 1, 2, and 4 rotate.

**Table 3.3 – Structure of Panels Reviewing Discretionary Petitions**

State/Court	Number of justices needed to review petitions	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	5	Court does not sit in panels	–	–	–
Court of Civil Appeals	5	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	3 or 5	Rotating panels	3	Rotating	–
Court of Appeals	3	7 <sup>1</sup>	3	Rotating	3 times/yr
<b>Arkansas</b>					
Supreme Court	–	Court does not sit in panels	–	–	–
Court of Appeals	–	2	3	Rotating	– <sup>2</sup>
<b>California</b>					
Supreme Court	7	Court does not sit in panels	–	–	–
Courts of Appeal	3	Varies	3	– <sup>3</sup>	Case/calendar
<b>Colorado</b>					
Supreme Court	3	Court does not sit in panels	–	–	–
Court of Appeals	–	3	3	Rotating	3 times/yr
<b>Connecticut</b>					
Supreme Court	7	1	5	Rotating	Daily
Appellate Court	9	3	3 <sup>4</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	Court does not sit in panels	–	–	–
District Courts of Appeal	3	Varies	3	Rotating	Varies
<b>Georgia</b>					
Supreme Court	7	Court does not sit in panels	–	–	–
Court of Appeals	3-5 <sup>5</sup>	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	–	–	–

Table 3.3 – Structure of Panels Reviewing Discretionary Petitions (continued)

State/Court	Number of justices needed to review petitions	Number of panels	Size of panels	Permanent or rotating membership	Frequency of membership rotation
<b>Illinois</b>					
Supreme Court	7	Court does not sit in panels	–	–	–
Appellate Court	3	Varies	3 <sup>6</sup>	Rotating	By case <sup>7</sup>
<b>Indiana</b>					
Supreme Court	5	Court does not sit in panels	–	–	–
Court of Appeals	3	5	3	Rotating	–
Tax Court	–	Court does not sit in panels	–	–	–
<b>Iowa</b>					
Supreme Court	3	2	5 <sup>8</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 or 4 <sup>9</sup>	3	Rotating	– <sup>10</sup>
<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	7	Rotating	By case
Courts of Appeal	3	Varies	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	Court does not sit in panels	7	–	–
Appeals Court	1	5	3	Rotating	Daily
<b>Michigan</b>					
Supreme Court	7	Court does not sit in panels	–	–	–
Court of Appeals	3	8	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 4 weeks

Table 3.3 – Structure of Panels Reviewing Discretionary Petitions (continued)

State/Court	Number of justices needed to review petitions	Number of panels	Size of panels	Permanent or rotating membership	Frequency of membership rotation
<b>Missouri</b>					
Supreme Court	7	Court does not sit in panels	–	–	–
Court of Appeals	–	_11	_12	Rotating	_13
<b>Montana</b>					
Supreme Court	7	2	5 or 7	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	–	Court does not sit in panels	–	–	–
<b>New Hampshire</b>					
Supreme Court	1	Court does not sit in panels	–	–	–
<b>New Jersey</b>					
Supreme Court	7 <sup>14</sup>	Court does not sit in panels	–	–	–
Superior Court, Appellate Division	2 <sup>15</sup>	8 parts of 4 judges	4	Rotating	_16
<b>New Mexico</b>					
Supreme Court	3	Court does not sit in panel	–	–	–
Court of Appeals	1 <sup>17</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>18</sup>	Varies	_19	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	–	–	–
Court of Appeals	–	Court does not sit in panels	–	–	–
<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	–	Rotating	–
Court of Appeals	–	3	3	Rotating	_20

Table 3.3 – Structure of Panels Reviewing Discretionary Petitions (continued)

State/Court	Number of justices needed to review petitions	Number of panels	Size of panels	Permanent or rotating membership	Frequency of membership rotation
<b>Pennsylvania</b>					
Supreme Court	3	Court does not sit in panels	–	–	–
Superior Court	No	Varies	3	– <sup>21</sup>	Discretionary
Commonwealth Court	No	Varies	3	Rotating	Discretionary
<b>Rhode Island</b>					
Supreme Court	5	Court does not sit in panels	3	Rotating	Monthly
<b>South Carolina</b>					
Supreme Court	5	Court does not sit in panels	–	–	–
Court of Appeals	–	3	3	Rotating	– <sup>22</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	Rotating	–
<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>23</sup>	3	Rotating	Monthly
<b>Virginia</b>					
Supreme Court	3	3	3-5	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	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>24</sup>	Court does not sit in panels	–	–	–
Court of Appeals	3	4	3	– <sup>25</sup>	By case
<b>Wyoming</b>					
Supreme Court	5	Court does not sit in panels	–	–	–



Table 3.3 – Structure of Panels Reviewing Discretionary Petitions (continued)

State/Court	Number of justices needed to review petitions	Number of panels	Size of panels	Permanent or rotating membership	Frequency of membership rotation
<b>Federal</b>					
U.S. Supreme Court	9	Court does not sit in panels	–	–	–
U.S. Courts of Appeals	3	Varies	3	Rotating	Varies

**Endnotes**

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

<sup>2</sup> Every 4 weeks during submissions.

<sup>3</sup> Divisions of four or more rotate within division.

<sup>4</sup> Five for motions, nine for en banc (unless otherwise ordered).

<sup>5</sup> A dissent on a decision is decided by that panel, the next panel in succession, and a seventh judge.

<sup>6</sup> Except for industrial division of IAC, which is a panel of five.

<sup>7</sup> In Cook County there are six divisions of four judges each. They sit in rotating panels of three.

<sup>8</sup> Three-member panels screen cases and handle non-oral fast track cases.

<sup>9</sup> Panels may be supplemented by other judges from time to time, and the composition of a panel may vary from case to case.

<sup>10</sup> Chief judge designates as necessary; once every three weeks.

<sup>11</sup> Three in western district, five in eastern district, and two in southern district.

<sup>12</sup> Three in western and eastern districts; southern district has one three-member panel and one four-member panel.

<sup>13</sup> Yearly in eastern and southern districts; quarterly in western district.

<sup>14</sup> Five justices required for a quorum.

<sup>15</sup> The presiding judge of a panel makes the final determination as to whether a matter will be decided by two or three judges.

<sup>16</sup> Yearly for parts; panels rotate by case.

<sup>17</sup> For interlocutory appeals, one calendaring judge may grant review; to deny review, one judge must concur.

<sup>18</sup> Varies by department.

<sup>19</sup> Five in the appellate divisions and three in the appellate terms.

<sup>20</sup> At the discretion of the chief judge.

<sup>21</sup> Appointed by the presiding judge.

<sup>22</sup> At the discretion of the chief judge pursuant to systematic rotation.

<sup>23</sup> On “fast track” cases.

<sup>24</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>25</sup> Permanent in District 3. Judges in Districts 1, 2, and 4 rotate.

**Table 3.4 – Processing of Discretionary Petitions for Rehearing in Appellate Courts**

<b>State</b>	<b>Method/deadline for filing petitions for rehearing</b>	<b>Method/deadline for filing petitions in highest court and filing fees</b>
<b>Alabama</b>	It becomes final in IAC 14 days after filing opinion. Rehearing petitions must be filed within 14 days after opinion.	Petition for writ of certiorari (review) may be filed within 14 days after rehearing is overruled in IAC.
<b>Alaska</b>	A petition for rehearing must be filed within 10 days after issuance of opinion.	A petition for hearing must be filed within 15 days after issuance of opinion (or 15 days after decision on rehearing was filed in court below).
<b>Arizona</b>	After the court of appeals issues its opinion, and the time has lapsed for a Motion of Rehearing (15 days). Motions for Reconsideration are not permitted on an order denying a petition for Review.	Or after a motion for rehearing has been denied the parties have 15 days to file a "petition for review" in the court of appeals for review by the supreme court.
<b>Arkansas</b>	–	A petition for rehearing or review must be filed within 18 days after the opinion was filed.
<b>California</b>	A petition for rehearing may be sought within 15 days after filing of the court of appeal's opinion. The opinion becomes final to the IAC after 30 days unless rehearing is granted.	A petition for hearing (review) by the supreme court must be filed within 10 days after finality of the opinion as to the court of appeal. (There is an additional \$200 filing fee for such petition.)
<b>Colorado</b>	Opinions of the IAC become final 14 days after filing unless a petition for rehearing is filed within 14 days after filing the opinion.	A petition for certiorari after opinion of the court of appeals must be filed with the supreme court within 30 days after the petition for rehearing was denied by the IAC.
<b>Connecticut</b>	Opinions of the appellate court become final after 20 days if no petitions for certification or motions for extension of time to file certification are made. A motion for reargument must be filed within a 10-day period.	Must be filed within 20 days after issuance of notice of judgment, absent the court's granting a late motion for a time extension to file certification.
<b>Delaware</b>	15 days from date of decision.	Not applicable.
<b>District of Columbia</b>	A petition for rehearing or rehearing en banc may be filed with the court of appeals within 14 days of date of entry of judgment.	Not applicable.
<b>Florida</b>	A petition for rehearing must be filed within 15 days after filing of opinion or 10 days for an appeal from a bond validation.	A petition for review after decision of the Florida District Court of Appeals must be filed within 30 days after the opinion becomes final as to the DCA. There is a \$250 filing fee.
<b>Georgia</b>	A motion for reconsideration must be filed within 10 days after the date of the order to be reconsidered in the appellate court. It becomes final 10 days after filing if no motion for rehearing is filed and, in the court of appeals, if no notice of intent to apply for certiorari. Not final until remittitur goes out.	A petition for certiorari after opinion of the court of appeals must be filed in the supreme court within 20 days after judgment or within 20 days after denial of a motion for reconsideration by the court of appeals.
<b>Hawaii</b>	Motion for reconsideration may be filed within 10 days after an opinion or summary disposition order is filed.	Petition for a writ of certiorari may be filed within 30 days after an opinion or summary disposition order is filed.
<b>Idaho</b>	Petitions for rehearing must be filed within 21 days after filing date of court's opinion.	Petitions for review of court of appeals' opinion must be filed within 21 days after date of court of appeals' opinion or 21 days after denial of rehearing by court of appeals. No filing fee.

Table 3.4 – Processing of Discretionary Petitions for Rehearing in Appellate Courts (continued)

State	Method/deadline for filing petitions for rehearing	Method/deadline for filing petitions in highest court and filing fees
Illinois	Petition for rehearing form opinion of supreme court due in 21 days. If not filed, the decision becomes final as to the appellate court in 21 days	A petition for leave to appeal (review) after opinion of the appellate court must be filed within 21 or 35 days after the decision of the appellate court becomes final.
Indiana	Petition filed with IAC within 30 days from rendition of the decision.	Within 30 days from adverse decisions in IAC or within 30 days from disposition of petition for rehearing. May petition supreme court to transfer case.
Iowa	Petition for rehearing of supreme court opinion due within 14 days of filing opinion. Petition for rehearing of court of appeals opinion due within 7 days of filing opinion.	An application for further review must be filed within 20 days after filing of the court of appeals' decision.
Kansas	Motion for rehearing in the supreme court must be filed and served within 20 days of the date of the decision. Motion for rehearing in the court of appeals must be served and filed within 10 days of the date of the decision.	A petition to review a court of appeals' decision must be filed within 30 days after court of appeals' opinion. There is no filing fee.
Kentucky	A petition for rehearing in the supreme court may be filed within 20 days after the opinion is rendered. If no petition for rehearing is filed, the opinions become final on the 21st day.	A petition for rehearing in the supreme court may be filed within 20 days after the opinion is rendered. If no petition for rehearing is filed, the opinions become final on the 21st day. Filing fee is \$125.
Louisiana	All opinions are sent out by mail. Time for petitioning for rehearing commences upon mailing of the opinion. A petition for rehearing may be filed within 14 days. Unless rehearing is granted, the opinion becomes final in 15 days.	A petition for review after opinion of the court of appeal must be filed within 30 days after the decision of the court of appeal unless a timely application for rehearing is filed, in which case 30 days after a rehearing has been refused in the appellate court. The filing fee is \$165.50.
Maine	Within 14 days of publication of opinion (civil cases only).	Not applicable.
Maryland	A petition for reconsideration may be filed within 30 days after filing of opinion. Unless motion for reconsideration is filed, opinions become final 30 days after filing, except under Rule 8-207(b).	–
Massachusetts	A petition for rehearing in the appeals court may be filed within 14 days after filing the opinion. If no rehearing is granted, the opinion becomes final 28 days from Rescript date (date of publication). A petition for further appellate review of a decision of the appeals court may be filed in the COLR within 20 days of the date of the Rescript.	A petition for rehearing by the supreme judicial court may be filed within 14 days after the opinion (rescript).
Michigan	A petition for rehearing in the court of appeals may be filed within 21 days after filing of the opinion. If no rehearing is granted, the opinion becomes final 21 days after filing.	A petition for hearing in the supreme court after opinion of the court of appeals must be filed within 21 days after the opinion of the court of appeals. Delayed application may be made within 56 days after court of appeals' decision.
Minnesota	Ten days to file petition for rehearing in supreme court. No rehearing in court of appeals.	A petition to review decision of court of appeals may be filed with supreme court within 30 days after filing of opinion. There is a fee of \$250.
Mississippi	–	–

Table 3.4 – Processing of Discretionary Petitions for Rehearing in Appellate Courts (continued)

<b>State</b>	<b>Method/deadline for filing petitions for rehearing</b>	<b>Method/deadline for filing petitions in highest court and filing fees</b>
<b>Missouri</b>	If the petition is filed, the case is not final until the petition is filed and supreme court action is final.	A direct petition for hearing in the supreme court must be filed within 15 days after the denial of a post-opinion motion by the court of appeals.
<b>Montana</b>	Ten days.	No filing fee.
<b>Nebraska</b>	Motion for rehearing must be filed within 10 days of final decision.	Petition for further review must be filed within 30 days of issuance of IAC's final decision.
<b>Nevada</b>	Not applicable.	Within 18 days after entry of written judgment. \$100 filing fee for filing petition for rehearing.
<b>New Hampshire</b>	Motion for rehearing may be filed within 10 days.	Not applicable.
<b>New Jersey</b>	Motion for reconsideration within 10 days.	Twenty days from notice of petition for certification. Fee is \$175.
<b>New Mexico</b>	Motion for rehearing may be filed within 15 days.	Petitions for writ of certiorari must be filed 20 days from issuance of court of appeals ruling. Filing fee is \$125.
<b>New York</b>	A petition for rehearing may be filed within 30 days after filing of the order of the appellate division.	An appeal from an order of the appellate division must be filed within 30 days after service of order with notice of entry.
<b>North Carolina</b>	Opinions of both courts become final upon issuance of mandate (20 days after opinion was filed). A petition for rehearing may be filed within 35 days after filing of the opinion (15 days after the mandate).	A petition for review after opinion of the court of appeals must be filed in the supreme court within 15 days after the mandate issues at the court of appeals.
<b>North Dakota</b>	Petitions for rehearing may be filed within 14 days from decision date or within time as extended.	Not applicable.
<b>Ohio</b>	Opinions of court of appeals become final as to that court when entered by journal.	–
<b>Oklahoma</b>	A petition for rehearing after decision of the court of appeals must be filed within 20 days after filing of the opinion. The opinion becomes final if no petition for rehearing is filed within 20 days.	A petition for certiorari after decision of court of appeals must be filed within 20 days after rehearing is denied or dismissed.
<b>Oregon</b>	A petition for rehearing in the court of appeals is filed as a petition for review to the supreme court within 35 days after decision of court of appeals. Unless a petition for review in the supreme court is filed within this time, the opinion becomes final.	–
<b>Pennsylvania</b>	A petition for reargument may be filed within 14 days after filing of the judgment of the court.	A petition for review or permission to appeal after opinion of the IAC must be filed within 30 days after filing of the opinion of the IAC or within 30 days of the IAC's denial of an application for reargument.
<b>Rhode Island</b>	A petition for rehearing may be filed within 5 days after decision.	Not applicable.

Table 3.4 – Processing of Discretionary Petitions for Rehearing in Appellate Courts (continued)

State	Method/deadline for filing petitions for rehearing	Method/deadline for filing petitions in highest court and filing fees
<b>South Carolina</b>	The appellate court must receive a petition for rehearing no later than 15 days after filing of the opinion of order. The appellate court will not consider the petition if the deadline has passed and the case has been remitted to the lower court.	After filing a petition for rehearing with the court of appeals, a party may petition the supreme court for a writ of certiorari to review the court of appeals' decision. The certiorari petition must be served on the opposing party and filed with both appellate courts within 30 days. The filing fee is \$100 except in criminal cases and other exempt categories.
<b>South Dakota</b>	A petition for rehearing may be filed within 20 days of date of decision. Adverse party may file answer within 10 days after service of petition for rehearing.	Not applicable.
<b>Tennessee</b>	A petition for rehearing after the appellate court's decision may be filed within 10 days after filing of the opinion. Unless rehearing is granted, the opinion becomes final to the IAC 60 days after filing.	An application for permission to appeal after opinion of the IAC may be filed within 60 days after the filing of the opinion of the IAC.
<b>Texas</b>	A motion for rehearing after decision of the IAC may be filed within 15 days after filing the opinion. The opinion becomes final to the IAC, if no motion or rehearing is filed within 15 days.	A petition for review may be filed with the supreme court within 45 days after the court of appeals judgment or motion for rehearing overruled. Filing fee is \$75. In criminal cases, a petition for discretionary review must be filed within 30 days after IAC's judgment.
<b>Utah</b>	Petition for rehearing filed in the appellate court that issued decision within 14 days after entry of decision.	Petition for writ of certiorari must be filed in supreme court within 30 days after entry of final decision by court of appeals. Filing fee is \$190.
<b>Vermont</b>	Opinions of the supreme court become final as to that court within 21 days after filing. A motion for reargument may be filed within 14 days after filing of the opinion.	Not applicable.
<b>Virginia</b>	If review is not granted must file petition for rehearing with appellate court within 14 days of decision. A petition for rehearing of a decision by the full court must be filed within 30 days of the decision.	Petition for appeal must be filed in supreme court within three months of circuit court's judgment or within 30 days of court of appeals' judgment.
<b>Washington</b>	Opinions of the court of appeals become final to that court within 20 days after filing. A petition for reconsideration may be filed within 20 days after filing of the opinion.	A petition for (review) after opinion of the court of appeals may be filed within 30 days after the opinion becomes final to the court of appeals.
<b>West Virginia</b>	The losing party must file a petition for rehearing within 30 days of the adverse decision.	Not applicable.
<b>Wisconsin</b>	There is no formal reconsideration in the court of appeals.	A petition for review of court of appeals' decision with another \$150 filing fee may be filed within 30 days of the court of appeals' decision.
<b>Wyoming</b>	A petition for rehearing (original + 6 copies) may be filed within 15 days after decision is rendered.	Not applicable.
<b>Federal</b> U.S. Supreme Court	A petition for rehearing may be filed with court within 25 days of date of entry of judgment or decision.	\$300 for petition for certiorari.

Table 3.4 – Processing of Discretionary Petitions for Rehearing in Appellate Courts (continued)

State	Method/deadline for filing petitions for rehearing	Method/deadline for filing petitions in highest court and filing fees
<b>Federal</b>		
U.S. Courts of Appeals	A petition for rehearing or rehearing en banc may be filed with the court of appeals within 21 days of date of entry of judgment except in civil cases where U.S. is a party, in which case 45 days.	\$300 for petition for certiorari.
U.S. Air Force Court of Criminal Appeals	Upon its own motion, or upon motion or suggestion by a party, within 30 days after appellant's receipt of the decision in a "no counsel" case, the AFCCA may reconsider a decision previously rendered by it.	Not applicable.
U.S. Army Court of Criminal Appeals	Upon its own motion, or upon motion or suggestion by a party, within 30 days after appellant's receipt of the decision in a "no counsel" case, the AFCCA may reconsider a decision previously rendered by it.	Not applicable.
U.S. Court of Veterans Appeals	A petition for rehearing or rehearing en banc may be filed with the court of appeals within 21 days of date of entry of judgment.	Sixty days after judgment, and the fee is \$105.

**Table 3.5 – Oral Argument in Appellate Courts**

<b>State/Court</b>	<b>Method of notification of date/location of oral argument</b>	<b>Time limit for oral argument</b>	<b>Percentage of criminal cases argued (estimate)</b>	<b>Percentage of civil cases argued (estimate)</b>
<b>Alabama</b>				
Supreme Court	Discretionary with court. Counsel notified by printed calendar.	Counsel not to exceed 30 minutes each side. Court may extend.	–	–
Court of Criminal Appeals	Same as above.	Same as above.	2%	Not applicable.
Court of Civil Appeals	Same as above.	Same as above.	Not applicable.	1%
<b>Alaska</b>				
Supreme Court; Court of Appeals	Notices stating date, time, and place of argument are sent to counsel.	In the supreme court, 15 minutes per side unless court directs that more time should be allowed or upon granted motion of a party by the assigned judge. In the court of appeals, 30 minutes per side for felony merit appeals. Generally 15 minutes per side for misdemeanor and sentence appeals.	10%	60%
<b>Arizona</b>				
Supreme Court; Court of Appeals	Counsel is notified of date of oral argument by a printed form letter or notice.	Counsel is entitled to not more than 30 minutes in civil. Counsel must obtain permission for oral argument in criminal. Supreme court sets time in all cases, but requires at least 25 min/side for death-penalty cases.	Supreme court–100% of criminal cases when sentence is death.	Small percentage if compared to total of all matters filed in supreme court.
<b>Arkansas</b>				
Supreme Court; Court of Appeals	Counsel is notified of oral argument by letter at least 30 days prior to argument.	Counsel must request oral argument and is allowed 20 minutes per side.	5%	15%
<b>California</b>				
Supreme Court	Counsel is notified of date of oral argument by a combination of photocopy letter and calendar.	Counsel is entitled to oral argument not exceeding 30 minutes per side. Additional time may be taken only by special permission.	–	–
Courts of Appeal				
Third District	Counsel is notified of date of oral argument by a calendar or order.	Third district allows only 15 minutes per side for oral argument.	8%	48%
Fifth District	Counsel is notified of date of oral argument by a letter and calendar notice.	Counsel is entitled to oral argument not exceeding 30 minutes per side. Additional time may be taken only by special permission.	60%	85%
<b>Colorado</b>				
Supreme Court	Order of court.	Counsel is entitled to oral argument not over 30 minutes for each side, but argument may be limited to 15 minutes for each side. The court of appeals suggests in many cases that oral argument be waived; however, if requested by counsel, the court will hear oral arguments.	40%	60%

Table 3.5 – Oral Argument in Appellate Courts (continued)

State/Court	Method of notification of date/location of oral argument	Time limit for oral argument	Percentage of criminal cases argued (estimate)	Percentage of civil cases argued (estimate)
<b>Colorado</b> Court of Appeals	Counsel are notified by letter and combination printed form letter.	By rule, each side is allowed 15 minutes for oral argument. Pending approval by the court 20 minutes by each side can be taken.	40%	35 to 40%
<b>Connecticut</b> Supreme Court; Appellate Court	Counsel are notified of date of oral argument by printed calendar.	Counsel are entitled to oral argument of not over 30 minutes per side in supreme court and 20 minutes in appellate court.	–	–
<b>Delaware</b> Supreme Court	Counsel is notified by letter.	Counsel is entitled to 20 minutes per side in panel arguments and 30 minutes per side in en banc arguments.	Not compiled.	Not compiled.
<b>District of Columbia</b> Court of Appeals	Counsel is notified by printed calendar approximately 30 to 60 days in advance.	30 minutes per side in regular calendar cases. Some cases may be placed on summary calendar. No argument is heard in summary cases unless specifically requested by counsel, which then permits 15 min/side.	53%	64%
<b>Florida</b> Supreme Court	Counsel is notified by letter.	Counsel is usually allowed 20 minutes for oral argument. Death penalty cases are allowed 30 minutes per side.	60%	40%
District Courts of Appeal				
District 1	Counsel is notified by notice or order issued by the court.	10, 15, or 20 minutes per side for oral argument.	5%	25%
Districts 2 and 4	Counsel is notified by notice or order issued by the court.	10, 15, or 20 minutes per side for oral argument.	58%	23%
Districts 3 and 5	Counsel is notified by notice or order issued by the court.	10, 15, or 20 minutes per side for oral argument.	40%	60%
<b>Georgia</b> Supreme Court	Counsel is notified by printed calendar.	Counsel is entitled to oral argument not to exceed 20 minutes per side, except in death penalty cases where 30 minutes per side is permitted.	40%	60%
Court of Appeals	Counsel is notified by printed calendar.	15 minutes per side unless enlarged by order of the court.	20%	80%
<b>Hawaii</b> Supreme Court; Intermediate Court of Appeal	Counsel is notified by telephone call and printed notice.	Appellants and appellee entitled to oral argument not over 30 minutes.	<1%	<1%
<b>Idaho</b> Supreme Court; Court of Appeals	Counsel is notified by computer printed notice.	One hour is allotted for oral argument (30 minutes per side).	50%	90%



Table 3.5 – Oral Argument in Appellate Courts (continued)

State/Court	Method of notification of date/location of oral argument	Time limit for oral argument	Percentage of criminal cases argued (estimate)	Percentage of civil cases argued (estimate)
<b>Illinois</b>				
Supreme Court	Counsel is notified by letter and printed calendar.	Counsel is entitled to oral argument of not over 20 minutes/side and 10 minutes rebuttal. In capital cases in COLR 30 minutes each side with a 10 minute rebuttal.	99%	99%
Appellate Court				
First District	Computer notification.	20 minutes each side with a 10- minute rebuttal.	15%	45%
Second District	Counsel is notified by letter and printed calendar.	Depends on district.	20%	20%
Third District	Counsel is notified by letter and printed calendar.	15 minutes each side with a 15- minute rebuttal.	15%	75%
Fourth District	Counsel is notified by letter and printed calendar.	Counsel is entitled to oral argument of not over 30 minutes/side and 10 minutes/ rebuttal.	–	–
Fifth District	Counsel is notified by letter and printed calendar.	Civil cases 20-20-5, criminal cases 10-10-5 (20-20-5 if private counsel involved.) Court will extend argument time – agency criminal appeals to 20-20-5 upon request of staff attorney. Few such requests are received.	10%	60%
<b>Indiana</b>				
Supreme Court; Court of Appeals	Counsel is notified of date of oral argument by a printed form letter.	Counsel must obtain permission for oral argument not exceeding 30 minutes for each side.	1%	9%
<b>Iowa</b>				
Supreme Court; Court of Appeals	Counsel is notified of oral argument by letter.	Appellant and appellee are each allotted 10 minutes. Appellant is also allotted 5 minutes for rebuttal.	70%	80%
<b>Kansas</b>				
Supreme Court	Counsel is notified by letter and printed calendar at least 30 days before each sitting.	Counsel is entitled to oral argument not exceeding 15 minutes. On motion, 20, 25, 30 minutes may be granted.	95%	99%
Court of Appeals	Same as above.	Same as above.	50%	70%
<b>Kentucky</b>				
Supreme Court	Counsel is notified by a court order.	Fifteen minutes is allowed for each side.	–	–
Court of Appeals	Same as above.	Same as above.	<10%	<20%
<b>Louisiana</b>				
Supreme Court	By mail and on the Internet.	Counsel are entitled to oral argument not exceeding 20 minutes each side in bar discussion matters, and 30 minutes each side in civil cases and capital cases.	99%	99%

Table 3.5 – Oral Argument in Appellate Courts (continued)

State/Court	Method of notification of date/location of oral argument	Time limit for oral argument	Percentage of criminal cases argued (estimate)	Percentage of civil cases argued (estimate)
<b>Louisiana</b>				
Courts of Appeal				
Second Circuit	Counsel is notified by receipt of calendar and docket 30 days prior to the date of oral argument or submission if the case is not argued.	Counsel may orally argue not to exceed 20 minutes per side.	22%	54%
Third Circuit	Same as above.	Same as above.	10%	60-70%
Fourth and Fifth Circuit	Same as above.	15 minutes each side.	–	–
<b>Maine</b>				
Supreme Judicial Court	Counsel is notified by printed calendar.	Oral argument of 20 minutes/side is allowed in some cases. About half of cases are submitted on briefs. Additional argument time is occasionally granted in complex cases.	–	–
<b>Maryland</b>				
Court of Appeals; Court of Special Appeals	Counsel is notified of oral argument by a form letter.	Counsel are entitled to oral argument not exceeding 30 minutes or shorter by administrative order of the chief justice.	20% total criminal appeals docketed; 25% criminal appeals argued or submitted on brief; 8% total criminal and civil appeals docketed.	55% of total civil appeals docketed; 73% of civil appeals argued or submitted on brief; 33% of total criminal and civil appeals docketed.
<b>Massachusetts</b>				
Supreme Court	Counsel is notified notice of letter of month 6 to 8 weeks in advance and order of the actual day 2 weeks before.	Counsel is entitled to oral argument not to exceed 15 minutes except in murder appeals (30 minutes).	98-100%	85%
Appeals Court	Counsel is notified by letter.	Counsel is entitled to oral argument not to exceed 15 minutes except in summary cases (10 minutes).	90%	60%
<b>Michigan</b>				
Supreme Court	Counsel is notified by printed calendar.	Counsel is entitled to oral argument not exceeding one hour per case.	–	–
Court of Appeals	Counsel is notified by letter.	Counsel is entitled to oral argument not exceeding 30 minutes.	–	–
<b>Minnesota</b>				
Supreme Court; Court of Appeals	Counsel is notified by printed calendar.	Counsel for appellant is entitled to 35 minutes and respondent to 25 minutes in en banc cases. The time allotted is set by rules of the court.	–	–
<b>Mississippi</b>				
Supreme Court; Court of Appeals	Counsel is notified by a combination printed form letter.	Counsel is entitled to oral argument not exceeding 30 minutes.	–	–

Table 3.5 – Oral Argument in Appellate Courts (continued)

State/Court	Method of notification of date/location of oral argument	Time limit for oral argument	Percentage of criminal cases argued (estimate)	Percentage of civil cases argued (estimate)
<b>Missouri</b> Supreme Court; Court of Appeals	Counsel is notified of oral argument by printed calendar or letter.	Time is determined by issues in the case. The standard in supreme court is 15 minutes for each side, but certain cases may have 40 minutes to the appellant and 30 minutes to the respondent.	99%	95-100%
<b>Montana</b> Supreme Court	Notice of order.	40 minutes for appellant and 30 minutes for respondent.	40%	60%
<b>Nebraska</b> Supreme Court; Court of Appeals	Counsel is notified by a printed calendar.	Limited to 10 minutes per side except in death and first degree murder cases, which allow 20 minutes.	25%	75%
<b>Nevada</b> Supreme Court	Written notice of setting and reminder notice issued to counsel.	Oral argument, if allowed, permitted for 30 or 60 minutes per case.	5%	7%
<b>New Hampshire</b> Supreme Court	Counsel is notified in writing.	Counsel is entitled to oral argument not exceeding 15 minutes each, unless otherwise notified.	80%	98%
<b>New Jersey</b> Supreme Court	Written notice four weeks before arguments.	Maximum of 30 minutes.	95%	95%
Superior Court, Appellate Division	Written notice to counsel.	15 to 30 minutes depending on complexity.	10%	60%
<b>New Mexico</b> Supreme Court; Court of Appeals	Clerk of the court mails to all counsel of record monthly calendar, which designates if oral argument will be heard or if case will be heard only on the briefs filed.	Counsel are entitled to oral argument not exceeding 30 minutes.	75%	75%
<b>New York</b> Court of Appeals	Counsel are notified by mail and by a calendar printed in a local law journal.	Counsel is entitled up to 30 minutes depending on appeal. In some appeals, the rules deny argument.	80%	80%
Supreme Court, Appellate Divisions				
1st and 2nd Departments	Counsel is notified by calendar published in local law journal.	Counsel is entitled to no more than 15 minutes of argument time.	No statistics are kept.	No statistics are kept.
3rd Department	Only mail notice is given.	10 minutes generally allotted to each side.	30%	65%
4th Department	Counsel are notified by mail and by a calendar printed in a local law journal.	Counsel is entitled to 15 to 45 minutes depending on appeal. In some appeals, the rules deny argument.	60%	90%
<b>North Carolina</b> Supreme Court; Court of Appeals	Counsel is notified by printed calendar.	Counsel is entitled to oral argument not over 30 min.	COLR: 30% IAC: 10%	20%

Table 3.5 – Oral Argument in Appellate Courts (continued)

State/Court	Method of notification of date/location of oral argument	Time limit for oral argument	Percentage of criminal cases argued (estimate)	Percentage of civil cases argued (estimate)
<b>North Dakota</b> Supreme Court; Court of Appeals	Counsel is notified by letter.	Counsel is entitled to oral argument of not over 30 minutes for appellant and 20 minutes for appellee on merits, regardless of number of counsel. Argument on motions is only granted in extraordinary circumstances.	98%	95%
<b>Ohio</b> Supreme Court	Notice of hearing sent to counsel.	15 minutes per side unless otherwise ordered by the court; 30 minutes per side in death penalty cases.	–	–
Courts of Appeals	Methods vary throughout the state.	Varies based upon local rules.	–	–
<b>Oklahoma</b> Supreme Court; Court of Criminal Appeals; Court of Appeals	Counsel is notified by court directive or order.	In COLR, counsel must obtain permission for oral argument of not over 30 min/side unless extended. In court of criminal. Appeals counsel must obtain permission (except for death penalty) 60 min/side for felonies and 30 min/side for misdemeanors.	–	–
<b>Oregon</b> Supreme Court; Court of Appeals	By "return postcard" form.	Counsel is entitled to oral argument not exceeding 30 minutes.	–	–
<b>Pennsylvania</b> Supreme Court	Notified by letter.	Time is within discretion of the court.	–	–
Superior Court	Same as above.	Counsel is permitted 15 minutes per side.	30%	70%
Commonwealth Court	Same as above.	15 minutes per side for panel and 30 minutes per side for en banc.	Does not handle criminal appeals.	–
<b>Rhode Island</b> Supreme Court	Notified by letter.	Counsel is entitled to oral argument not exceeding 30 minutes.	65-70%	40-50%
<b>South Carolina</b> Supreme Court; Court of Appeals	Clerk's letter to the parties and by printed calendar.	In court's discretion; court usually grants each party 15 to 30 minutes.	15%	85%
<b>South Dakota</b> Supreme Court	Counsel is notified by letter.	Time allowances are determined by the court, and counsel are advised of permitted times in letter advising of oral argument.	<5%	25%
<b>Tennessee</b> Supreme Court; Court of Appeals; Court of Criminal Appeals	Oral argument must be requested in advance. Counsel is notified by printed calendar.	Counsel is entitled to oral argument not exceeding 30 minutes unless additional time is approved or less time is specified by the court.	95%	50%

Table 3.5 – Oral Argument in Appellate Courts (continued)

State/Court	Method of notification of date/location of oral argument	Time limit for oral argument	Percentage of criminal cases argued (estimate)	Percentage of civil cases argued (estimate)
<b>Texas</b>				
Supreme Court	Notified by letter at least 21 days before argument.	Court sets time.	–	–
Court of Criminal Appeals	Notified by letter.	Counsel is entitled to oral argument not exceeding 30 minutes.	15%	15%
Courts of Appeals	Notified by letter.	Each side gets 20 minutes for oral argument and 10 minutes for rebuttal.	60% (varies among districts)	90% (varies among districts)
<b>Utah</b>				
Supreme Court	Counsel is notified by mail approximately 30 days before argument.	20 minutes per side.	90%	90%
Court of Appeals	Same as above.	15 minutes per side.	60%	60%
<b>Vermont</b>				
Supreme Court	Counsel is notified by printed calendar.	Counsel is entitled to oral argument not exceeding 30, 15, or 5 minutes/side depending on how the case is classified.	90%	65%
<b>Virginia</b>				
Supreme Court	Counsel is notified by letter and printed calendar.	Counsel is entitled to oral argument not exceeding 30 minutes.	80%	95%
Court of Appeals	Counsel is notified by letter.	Argument on criminal petitions for appeal is 10 minutes (appellant only). Argument on appeal can be up to 30 minutes per side, but routinely 15 minutes per side is allotted.	Unable to estimate.	Unable to estimate.
<b>Washington</b>				
Supreme Court; Courts of Appeals	Counsel is notified by letter.	The time allowed varies among the divisions but is generally 10-20 minutes per side.	–	–
<b>West Virginia</b>				
Supreme Court of Appeals	Counsel is notified by letter and printed calendar.	Appellant's counsel is entitled to not over 30 minutes; counsel for appellee, 20 minutes.	30-40%	60-70%
<b>Wisconsin</b>				
Supreme Court	By printed calendar.	Counsel is entitled to oral argument not exceeding 30 minutes or such other time as court sets.	95%	95%
Court of Appeals	By notice on a case-by-case basis.	Counsel is entitled to oral argument not exceeding 30 minutes or such other time as court sets.	<1%	3%
<b>Wyoming</b>				
Supreme Court	Counsel is notified by clerk's order and printed form for response.	Counsel is entitled to 30 minutes/side. Upon request, the court may approve more than 30 minutes.	–	–

Table 3.5 – Oral Argument in Appellate Courts (continued)

State/Court	Method of notification of date/location of oral argument	Time limit for oral argument	Percentage of criminal cases argued (estimate)	Percentage of civil cases argued (estimate)
<b>Federal</b>				
U.S. Supreme Court	By printed calendar at least 6 weeks in advance. Counsel also receives a letter from the clerk's office.	In all cases, each side has 30 minutes to argue, unless the time has been extended by the court.	14%	78%
U.S. Courts of Appeals				
Second Circuit	By printed notice approximately 14 to 21 days in advance.	An average of 10 minutes per side. There is no summary calendar. All cases are argued including pro se cases, unless the pro se is incarcerated, or unless the parties wish to submit.	–	–
Third Circuit	At least 10 days prior to argument. Counsel is notified directly by clerk.	–	29%	31%
Fourth Circuit	Tentative notice 6 weeks before argument. Finalized 4 weeks before argument.	30 minutes per side in regular calendar cases.	–	–
Fifth Circuit	By printed calendar at least 5 weeks in advance.	20 minutes per side in regular calendar cases. In exceptional cases 30 or more minutes or arguments per side may be permitted by the court.	–	–
Sixth Circuit	Notice by letter approximately 6-8 weeks in advance.	15 minutes per side unless time extended by court.	–	–
Eighth Circuit	By printed calendar at least 4 weeks in advance.	Usually 15 or 20 minutes per side.	75%	60%
Ninth Circuit	Notice provided approximately 6 weeks in advance.	10 minutes per side in regular calendar cases. Some cases may be placed on summary calendar. No argument is heard in summary case unless specifically requested by counsel, which then permits 10 minutes per side.	75%	45%
Eleventh Circuit	Same as above.	20 minutes per side in regular calendar cases. In exceptional cases 30 or more minutes or arguments per side may be permitted by the court.	–	–
U.S. Air Force Court of Criminal Appeals	By order submitted to the appellate defense and appellate government counsel. Web site also posts the calendar.	Both parties are allotted 30 minutes. More time may be requested by motion to the court.	–	Not applicable.
U.S. Army Court of Criminal Appeals	By Notice of Hearing issued by the cognizant panel at least 7 days in advance.	Thirty minutes are allotted to each side. There is no summary calendar.	Appeal is automatic for a large majority of cases.	Not applicable.
U.S. Court of Veterans Appeals	By phone and order of the clerk about 30 days in advance.	30 minutes per side.	Not applicable.	2%

**Table 3.6 – Limitations on Oral Argument in Appellate Courts**

<b>State/Court</b>	<b>Limitations on oral argument in civil cases</b>	<b>Limitations on oral argument in criminal cases</b>
<b>Alabama</b>		
Supreme Court	Yes	Yes
Court of Criminal Appeals	No jurisdiction	Yes
Court of Civil Appeals	Yes	No jurisdiction
<b>Alaska</b>		
Supreme Court	Yes <sup>1</sup>	Yes <sup>1</sup>
Court of Appeals	No	Yes <sup>1</sup>
<b>Arizona</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>Arkansas</b>		
Supreme Court	No	No
Court of Appeals	No	No
<b>California</b>		
Supreme Court	No	No
Courts of Appeal	Varies	Varies
<b>Colorado</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>Connecticut</b>		
Supreme Court	Yes	Yes
Appellate Court	Yes	Yes
<b>Delaware</b>		
Supreme Court	Yes	Yes
<b>District of Columbia</b>		
Court of Appeals	Yes	Yes
<b>Florida</b>		
Supreme Court	Yes	Yes
District Courts of Appeal	Yes	Yes
<b>Georgia</b>		
Supreme Court	Yes <sup>2</sup>	Yes
Court of Appeals	Yes	Yes
<b>Hawaii</b>		
Supreme Court	No	No
Intermediate Court of Appeals	No	No
<b>Idaho</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes

Table 3.6 – Limitations on Oral Argument in Appellate Courts (continued)

<b>State/Court</b>	<b>Limitations on oral argument in civil cases</b>	<b>Limitations on oral argument in criminal cases</b>
<b>Illinois</b>		
Supreme Court	Yes	Yes
Appellate Court	Yes	Yes
<b>Indiana</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
Tax Court	–	–
<b>Iowa</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>Kansas</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>Kentucky</b>		
Supreme Court	No	No
Court of Appeals	Yes	Yes
<b>Louisiana</b>		
Supreme Court	Yes	Yes
Courts of Appeal	Yes	Yes
<b>Maine</b>		
Supreme Judicial Court	Yes	Yes
<b>Maryland</b>		
Court of Appeals	No	No
Court of Special Appeals	Yes <sup>3</sup>	Yes <sup>3</sup>
<b>Massachusetts</b>		
Supreme Judicial Court	Yes	Yes
Appeals Court	No	No
<b>Michigan</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>Minnesota</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>Mississippi</b>		
Supreme Court	No	No
Court of Appeals	No	No



Table 3.6 – Limitations on Oral Argument in Appellate Courts (continued)

State/Court	Limitations on oral argument in civil cases	Limitations on oral argument in criminal cases
<b>Missouri</b>		
Supreme Court	No	No
Court of Appeals	Yes <sup>4</sup>	Yes <sup>4</sup>
<b>Montana</b>		
Supreme Court	Yes	Yes
<b>Nebraska</b>		
Supreme Court	No	No
Court of Appeals	No	No
<b>Nevada</b>		
Supreme Court	Yes <sup>5</sup>	Yes <sup>5</sup>
<b>New Hampshire</b>		
Supreme Court	No	No
<b>New Jersey</b>		
Supreme Court	No	No
Superior Court, Appellate Division	Yes	Yes
<b>New Mexico</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>New York</b>		
Court of Appeals	Yes	Yes
Supreme Court, Appellate Divisions	Yes	Yes
<b>North Carolina</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>North Dakota</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>Ohio</b>		
Supreme Court	Yes	Yes
Courts of Appeals	No	No
<b>Oklahoma</b>		
Supreme Court	Yes	–
Court of Criminal Appeals	–	Yes
Court of Civil Appeals	Yes	–
<b>Oregon</b>		
Supreme Court	No	No
Court of Appeals	Yes	Yes

Table 3.6 – Limitations on Oral Argument in Appellate Courts (continued)

State/Court	Limitations on oral argument in civil cases	Limitations on oral argument in criminal cases
<b>Pennsylvania</b>		
Supreme Court	No	No
Superior Court	No	Yes
Commonwealth Court	No	No
<b>Rhode Island</b>		
Supreme Court	Yes	Yes
<b>South Carolina</b>		
Supreme Court	Yes	Yes
Court of Appeals	Yes	Yes
<b>South Dakota</b>		
Supreme Court	Yes	Yes
<b>Tennessee</b>		
Supreme Court	No <sup>6</sup>	No
Court of Appeals	No <sup>7</sup>	No
Court of Criminal Appeals	No	No
<b>Texas</b>		
Supreme Court	Yes	–
Court of Criminal Appeal	–	Yes
Courts of Appeals	Yes	Yes
<b>Utah</b>		
Supreme Court	No	No
Court of Appeals	Yes <sup>8</sup>	Yes <sup>8</sup>
<b>Vermont</b>		
Supreme Court	Yes	Yes
<b>Virginia</b>		
Supreme Court	No	No
Court of Appeals	No	No
<b>Washington</b>		
Supreme Court	No	No
Courts of Appeals	No	No
<b>West Virginia</b>		
Supreme Court of Appeals	No <sup>9</sup>	No
<b>Wisconsin</b>		
Supreme Court	No	No
Court of Appeals	Yes	Yes
<b>Wyoming</b>		
Supreme Court	Yes	Yes

Table 3.6 – Limitations on Oral Argument in Appellate Courts (continued)

State/Court	Limitations on oral argument in civil cases	Limitations on oral argument in criminal cases
<b>Federal</b>		
U.S. Supreme Court	Yes <sup>10</sup>	Yes
U.S. Courts of Appeals	Yes	Yes

**Endnotes**

<sup>1</sup> Request must be made within ten days after reply brief filed. But request is almost always granted on motion when requested late. Rule 213.

<sup>2</sup> However, oral arguments are mandatory in death penalty appeals.

<sup>3</sup> Court may decide in which cases to hear oral argument and which cases to place on summary calendar. Court may also shorten oral argument time allowed.

<sup>4</sup> Varies by district.

<sup>5</sup> The court decides which cases will be heard.

<sup>6</sup> Fifteen minutes per side in workers' compensation cases.

<sup>7</sup> In the western division, there is a time limit of 15 to 20 minutes depending on case.

<sup>8</sup> The court decides which cases will receive oral argument.

<sup>9</sup> Oral arguments are not permitted in workers' compensation cases except by leave of court.

<sup>10</sup> Oral arguments and reasoned opinions allowed only in cases in which certiorari is granted.

**Table 3.7 – Opinions in Appellate Courts**

<b>State</b>	<b>Constitutionality or statutory requirements for written opinions</b>	<b>Assignment of opinions</b>	<b>Publication of highest appellate court opinions</b>	<b>Selective publication of intermediate appellate court opinions</b>	<b>Use of per curiam opinions</b>
<b>Alabama</b>	None	In reverse order of seniority of judges.	All opinions of supreme court are published in official reports.	All opinions of IAC are published in official reports. Cases can be disposed by memorandum opinions that are not published and cannot be cited as precedent.	Yes.
<b>Alaska</b>	There is no constitutional or statutory requirement for a written opinion stating reasons.	The clerk assigns cases by rotation.	Supreme court decides whether to issue a published opinion. Published in 80-85% of cases.	Court of appeals decides whether to publish an opinion. Published in 40% of cases.	Yes.
<b>Arizona</b>	Arizona Constitution Article VI states in part "The decisions of the Court shall be in writing and the grounds stated."	Priority rotating basis assigned by clerk.	All opinions for the supreme court are published in official reports.	All opinions for the IAC are published in official reports.	In the IAC but not usually in the supreme court.
<b>Arkansas</b>	There is a constitutional or statutory requirement that all cases must be decided by written opinion stating reasons.	Chief justice assigns.	All opinions of the supreme court are published in the official reports except some per curiam opinions.	Not applicable.	Yes.
<b>California</b>	There is a constitutional requirement that all appeals submitted to the court must be decided by written opinion stating reasons.	Chief justice assigns.	All opinions of the supreme court are published in the official reports.	13% of opinions of supreme court are published in the official reports. 9% of opinions in the 3rd District and 5% of opinions in the 5th district court of appeal are published in the official reports. A court of appeal opinion must meet the standards set forth in CRC Rule 978.6.	Some appeals are decided by per curiam opinions.
<b>Colorado</b>	Colorado Appellate Rules allow affirmance without written opinion.	Chief justice assigns	All opinions of the supreme court are published by WEST.	37% of the opinions of the court of appeal are published in the official reports. Approximately 20% of the court's opinions are published.	Some opinions are decided by per curiam opinion in the supreme court.
<b>Connecticut</b>	There is no constitutional or statutory requirement that all cases be decided by a written opinion stating reasons.	Chief justice assigns.	All opinions of the supreme court are published in the official reports.	All opinions of the appellate court are published in the official reports.	Some cases are decided by per curiam opinions.

Table 3.7 – Opinions in Appellate Courts (continued)

State	Constitutionality or statutory requirements for written opinions	Assignment of opinions	Publication of highest appellate court opinions	Selective publication of intermediate appellate court opinions	Use of per curiam opinions
<b>Delaware</b>	There is no constitutional or statutory requirement that all cases submitted to court be decided by written opinion stating reasons.	By head of panel.	All opinions of the supreme court are published in the official reports . Text of orders are not published.	Not applicable.	Some cases are decided by per curiam opinions.
<b>District of Columbia</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Randomly.	All opinions of the COLR are published in official slip opinions and in the Atlantic and Maryland Reporters of the West System.	Not applicable.	Per curiam opinions are issued for all nonpublished and some published opinions.
<b>Florida</b>	There is no constitutional or statutory requirement that all cases submitted to court must be decided by written opinion stating reasons.	Rotation.	All opinions of the supreme court are published in the official reports.	All opinions of the district courts of appeals are published in the official reports.	Some cases are decided by per curiam opinions.
<b>Georgia</b>	There is no constitutional or statutory requirement that all cases submitted to court must be decided by written opinion stating reasons.	Computer. <sup>1</sup>	All opinions of the supreme court are published in the official reports.	All opinions of the court of appeals are filed in the official reports. Some are designated not to be published.	Some cases are decided by per curiam opinions and by affirmances without opinion.
<b>Hawaii</b>	There is no constitutional or statutory requirement that cases must be decided by written opinion. HRAP allows disposition by memo opinion, published opinion, and summary disposition order.	Assignment judge or chief judge.	All opinions of the supreme court are published, except memorandum opinions.	All opinions of the intermediate court of appeals are published, except memorandum opinions.	Some cases are decided by per curiam opinions.
<b>Idaho</b>	By statute, all decisions shall be given in writing.	Drawn by lot each term.	All opinions of the supreme court are published in the official reports except when issued as an unpublished opinion.	All opinions of the court of appeals are published except when issued as an unpublished opinion.	Some cases are decided by per curiam opinions.
<b>Illinois</b>	Supreme Court Rule 23 calls for some form of written decisions. No authority requires supreme court to issue written opinions.	Rotation.	All opinions of the supreme court are published in the official reports.	All opinions of the court of appeals are published in the official reports.	Some cases are decided by per curiam opinions but that rarely occurs.

Table 3.7 – Opinions in Appellate Courts (continued)

State	Constitutionality or statutory requirements for written opinions	Assignment of opinions	Publication of highest appellate court opinions	Selective publication of intermediate appellate court opinions	Use of per curiam opinions
<b>Indiana</b>	There is a statutory requirement that all cases submitted to the court must be decided by written opinion.	–	All opinions of the supreme court are published in the official reports.	Opinions of the IAC published based on Appellate Rule. Approximately 20 to 25% of all opinions are published.	Some supreme court cases are decided by per curiam opinions.
<b>Iowa</b>	There is no constitutional or statutory requirement that all cases submitted to court must be decided by written opinion stating reasons.	Randomly.	All opinions of the supreme court, except for per curiam decisions are published in the official reports.	15% of the opinions filed in 1996 were published in the official reports.	Some cases are decided by per curiam opinions.
<b>Kansas</b>	There is a statutory requirement that all cases submitted to the court must be decided by memorandum or formal written opinion.	Cases are weighted and assigned by the chief justice.	Ninety percent of supreme court opinions are published.	15% of court of appeals opinions are published.	Some cases are decided by per curiam opinions.
<b>Kentucky</b>	There is a statute enacted in 1976 that states the opinions of the supreme court are to be published and supreme court determines which court of appeals opinions are published.	Chief justice assigns, but may volunteer for specific cases.	Opinions of the supreme court are published in official reports.	By supreme court rule the IAC decides which of its opinions should be published. The case goes to the supreme court which then decides if the case goes to the books.	Neither the supreme court nor the court of appeals use per curiam opinions.
<b>Louisiana</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Randomly.	All opinions of the supreme court are published in WEST reports, including per curiam opinions. Additionally available on the internet and electronically by other publishers including Lexis.	Most of the opinions of the court of appeals are published in the reports.	Some cases are decided by per curiam opinions.
<b>Maine</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Rotation.	Signed opinions (including per curiams) are published. Memorandum decisions are not published. A.2d is the official reporter.	Not applicable.	About half of cases are disposed of by unpublished memoranda or orders.

Table 3.7 – Opinions in Appellate Courts (continued)

State	Constitutionality or statutory requirements for written opinions	Assignment of opinions	Publication of highest appellate court opinions	Selective publication of intermediate appellate court opinions	Use of per curiam opinions
<b>Maryland</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Chief justice assigns on a random basis.	Most opinions of the COLR are published in the official reports, except when designated “unreported.”	15 to 20% of the opinions of the court of special appeals are published in the official reports.	Some cases are decided by per curiam opinions.
<b>Massachusetts</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Chief justice.	All opinions of the COLR are published in the Massachusetts Reports.	All of the opinions of the appeals court are published in the Massachusetts Appeals Court Reports.	Per curiam designation for opinions is infrequently used.
<b>Michigan</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Random assignments to justices in putative majority.	All opinions of the supreme court are published in the official reports.	33% of the opinions of the court of appeals are published in the official reports.	Some cases are decided by per curiam opinions.
<b>Minnesota</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Court staff.	Only written opinions of the supreme court are published in the official reports. Summary disposition orders are not published.	No publication of order opinions and unpublished opinions.	Some cases are decided by per curiam opinions.
<b>Mississippi</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Chief justice or presiding judge.	Only opinions designated for publication are published in the official reports.	–	Some cases are decided by per curiam opinions.
<b>Missouri</b>	There is a constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Rotation.	All opinions of the supreme court are published in official reports.	All opinions of the IAC are published in official reports.	Some cases are decided by per curiam opinions.

Table 3.7 – Opinions in Appellate Courts (continued)

<b>State</b>	<b>Constitutionality or statutory requirements for written opinions</b>	<b>Assignment of opinions</b>	<b>Publication of highest appellate court opinions</b>	<b>Selective publication of intermediate appellate court opinions</b>	<b>Use of per curiam opinions</b>
<b>Montana</b>	There is a constitutional requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Chief justice.	All opinions of the supreme court are published in official reports.	Not applicable.	Not used.
<b>Nebraska</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Chief justice if randomly assigned justice is in the minority.	Most opinions of the supreme court are published in official reports. Occasionally a memorandum opinion is issued.	Level of Publication: published, unpublished, memorandum determined by IAC.	Some cases are decided by per curiam opinions.
<b>Nevada</b>	There is a constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Random draw.	All opinions of the supreme court are published in official reports.	Not applicable.	Some cases are decided by per curiam opinions.
<b>New Hampshire</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Chief justice if in the majority, otherwise by senior associate justice in majority.	All opinions of the supreme court are published in official reports.	Not applicable.	Some cases are decided by per curiam opinions and by memorandum opinion.
<b>New Mexico</b>	There is a constitutional or statutory requirement that all cases submitted to the court be decided by written opinion or decision stating reasons.	Randomly by court clerk.	All opinions of the supreme court are published in official reports. Decisions and dispositional orders are not published.	All opinions issued by the court of appeals are published in official reports. Decisions, memorandum opinions, and dispositional orders are not published.	Disciplinary cases are decided by per curiam opinions.
<b>New York</b>	There is a statutory requirement and court policy that all cases submitted to the court be decided by written decision.	Random draw.	All opinions of the court of appeals are published in the official reports.	All opinions of the appellate division are published in the official reports.	Some cases are decided by per curiam opinions.
<b>North Carolina</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Random draw.	Less than 1/3 of the court's opinions are published.	Most opinions of the court of appeals are published in the official reports.	Some cases are decided by per curiam opinions.



Table 3.7 – Opinions in Appellate Courts (continued)

State	Constitutionality or statutory requirements for written opinions	Assignment of opinions	Publication of highest appellate court opinions	Selective publication of intermediate appellate court opinions	Use of per curiam opinions
<b>North Dakota</b>	There is a constitutional provision that all cases submitted to the court must be decided by written opinion stating reasons.	Rotation – assigned by clerk’s office.	All opinions of the supreme court are published in official reports.	Not applicable.	Occasionally cases are decided by per curiam opinions.
<b>Ohio</b>	There is a constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Random draw.	All opinions of the supreme court are published in official reports.	Opinions of the court of appeals are published on a selective basis in official reports.	Some cases are decided by per curiam opinions.
<b>Oklahoma</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	–	Not all opinions of the COLRs are published.	Opinions of the court of appeals which resolve novel or unusual issues (when unsuperceded and unmodified by COLR) are published.	Both COLRs can decide cases by per curiam opinions.
<b>Oregon</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Chief justice.	All opinions of the supreme court are published in official reports.	All opinions of the court of appeals are published in the official reports.	Some cases are decided by per curiam opinions; others are affirmed from the bench; and others are decided without opinion.
<b>Pennsylvania</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Chief justice on a rotating basis.	All opinions of the supreme court are published in official reports and regional reports.	All opinions of the IAC’s are published in the official reports. Memorandum opinions are not published.	Some cases are decided by per curiam orders or opinions.
<b>Rhode Island</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Rotating.	All opinions of the supreme court are published in official reports.	Not applicable.	Some cases are decided by per curiam opinions.

Table 3.7 – Opinions in Appellate Courts (continued)

State	Constitutionality or statutory requirements for written opinions	Assignment of opinions	Publication of highest appellate court opinions	Selective publication of intermediate appellate court opinions	Use of per curiam opinions
<b>South Carolina</b>	There is a constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons. An issue may be summarily decided when the appellate court concludes it has no merit.	By lot.	All regular opinions of the supreme court are published in the official reports. Memoranda opinions are not published.	Opinions are published at the discretion of the court of appeals panel.	Some cases are decided by per curiam opinions.
<b>South Dakota</b>	There is no requirement that cases submitted to the court must be decided by written opinion stating reasons.	Chief justice after oral argument.	All opinions of the supreme court are published in the official reports.	Not applicable.	Some cases are decided by per curiam opinions.
<b>Tennessee</b>	There is a constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Initially by blind draw.	Not all opinions of the supreme court are published in the official reports.	An estimated 10% of the IAC's opinions are published in the official reports.	Some cases are decided by per curiam opinions.
<b>Texas</b>	There is a constitutional or statutory requirement that all cases submitted to the court of criminal appeals and the courts of appeals be decided by written opinion stating reasons.	Rotating basis.	No official reporter. Southwestern Reporter and Texas Supreme Court Journal.	Court of appeals designate opinions for publication in Southwestern Reporter.	Some cases are decided by per curiam opinions.
<b>Utah</b>	Appellate rules provide that when judgment reversed or modified reasons must be stated in writing. Certain appeals may qualify for expedited decision without written opinion.	Sequentially.	All opinions of the supreme court are published in the official reports.	All full opinions are published; memorandum decisions are not published.	Both appellate courts make use of per curiams.
<b>Vermont</b>	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Random draw.	All opinions of the supreme court are published in the official reports.	Not applicable.	Some cases are decided by per curiam opinions.

Table 3.7 – Opinions in Appellate Courts (continued)

State	Constitutionality or statutory requirements for written opinions	Assignment of opinions	Publication of highest appellate court opinions	Selective publication of intermediate appellate court opinions	Use of per curiam opinions
<b>Virginia</b>	There is a constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons. There is no requirement in the supreme court.	Randomly.	All opinions of the supreme court were published in the official reports prior to 1974. Beginning in 1974, in unusual cases, the court adopted the practice of writing unsigned memorandum opinions. This opinion is for one particular case; has no precedential value and cannot be cited as authority in future cases.	The court of appeals determines whether or not it will publish an opinion. Many cases are disposed of by memorandum opinion or order.	Some cases are decided by per curiam opinions.
<b>Washington</b>	There is a statutory requirement that all decisions shall be given in writing and the grounds of the decisions shall be stated.	Rotating basis by chief justice.	All opinions of the supreme court are published in official reports.	Each panel determines whether a decision has sufficient precedential value to be published.	Some cases are decided by per curiam opinions.
<b>West Virginia</b>	There is a constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons. Some original jurisdiction cases are decided by court order.	Assigned by lot.	All opinions of the supreme court are published in official reports.	Not applicable.	Some cases are decided by per curiam opinions.
<b>Wisconsin</b>	There is a statutory requirement that the COLR and IAC decide all cases in writing.	Chief justice.	The majority of the supreme court's opinions are published in the official reports.	Selected opinions of the court of appeals are published in the official reports.	Some cases are decided by per curiam opinions.
<b>Wyoming</b>	There is a constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	–	All opinions of the supreme court are published in the official reports.	Not applicable.	Some cases are decided by per curiam opinions.

Table 3.7 – Opinions in Appellate Courts (continued)

State	Constitutionality or statutory requirements for written opinions	Assignment of opinions	Publication of highest appellate court opinions	Selective publication of intermediate appellate court opinions	Use of per curiam opinions
<b>Federal</b> U.S. Supreme Court	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	Most senior justice in the majority.	All opinions of the court are published in U.S. Reports.	Not applicable.	Not applicable.
U.S. Courts of Appeals	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	By presiding judge of the panel and by lot.	Not applicable.	All opinions of the court are published by West Publishing Co., Lexis, and Westlaw and are available on the court's Internet site.	No rule.
U.S. Air Force Court of Criminal Appeals	There is no statutory requirement that all cases submitted must be decided by written opinion, but all cases that come before the court result in written opinions.	–	Not applicable.	Not all opinions of the court are published. The ones that merit publication can be found on-line in Lexis and Westlaw; in West's Military Justice Reporter; and on the court's new web page.	Per curiam opinions are issued for non-published opinions and published per curiam opinions are rare.
U.S. Army Court of Criminal Appeals	There is no constitutional or statutory requirement that all cases submitted to the court must be decided by written opinion stating reasons.	–	Not applicable.	Selected opinions of the court are published in West's Military Justice Reporter.	Per curiam opinions are issued for most unpublished opinions and some published opinions.
U.S. Court of Veterans Appeals	Same as above.	Clerk assigns by rotation.	Not applicable.	All opinions of the court are published by West Publishing Co., Reporter, Westlaw, Lexis, and our BBS.	Per curiam opinions are issued for most unpublished opinions and some published opinions.

**Endnotes**

<sup>1</sup> Opinions are assigned by computer on 11 different wheels. Each justice receives every 7th case on each of the 11 wheels.

**Table 3.8 – Finality of Appellate Court Opinion**

<b>State</b>	<b>Finality of opinion</b>	<b>Method of notifying trial court of appellate court's final decision</b>
<b>Alabama</b>	If application is denied by supreme court, decision becomes final upon entry of denial.	Trial court is notified of final decision by the clerk of appellate court who sends a certificate of judgment to circuit court.
<b>Alaska</b>	Opinions are final when issued, subject to any action on a petition for rehearing or hearing. The pendency of either type of petition does not destroy finality of opinion.	The trial court is sent a copy of the appellate opinion. Once the time for petition for rehearing or hearing has expired, and any such petitions are resolved, the original record is returned to the trial court, and this returns jurisdiction to the trial court.
<b>Arizona</b>	The mandate in this matter will not issue until either the COLR has denied review, returning the case to the IAC for mandate, or grants review in which the COLR issues the mandate after its opinion is rendered and time has elapsed for the Motion of Rehearing or this motion has been denied.	Copies mailed at time opinion is filed. Copies of mandate are also mailed to the parties and trial court.
<b>Arkansas</b>	The opinion becomes final after 18 days from the date of the opinion unless a petition for rehearing is filed.	The trial court is notified of the final decision of the supreme court by sending a copy of the opinion to the trial court judge and mandate to clerk with cost sheet.
<b>California</b>	Unless a hearing is granted or the time is extended by the supreme court, the opinion becomes final 60 days after filing of the court of appeal's opinion.	The trial court is notified of the decision by sending a preliminary copy when it is first filed and sending a remittitur with a certified copy of the opinion attached after the opinion becomes final.
<b>Colorado</b>	The opinion is final unless modified prior to denial of petition for rehearing.	The trial court is notified of the final decision of the appellate court by issuance of a mandate.
<b>Connecticut</b>	Unless certification is granted by COLR, and absent any motion to file a petition, decisions of the Appellate Session become final in 20 days.	The clerk of the appellate court notifies the trial court judge, the trial court clerk and reporter of judicial decisions of decisions handed down by that court by sending them certified copies of the decisions.
<b>Delaware</b>	Decisions are final when mandate issued.	The mandate attaches a copy of the decision. The trial judge receives decision the day it is issued.
<b>District of Columbia</b>	A mandate is issued in each case 22 days after the date of judgment unless a petition for rehearing/rehearing en banc has been filed.	The trial court is notified of the final decision of the appellate court by transmittal of the judgment with an opinion. Trial court also receives a copy of every order disposing of an appeal.
<b>Florida</b>	Expiration of rehearing time or upon disposition of rehearing.	Either by mandate or certified copy of decision depending on decision.
<b>Georgia</b>	A motion for reconsideration must be filed within 10 days after the date of the order to be reconsidered in the appellate court. It becomes final 10 days after filing if no motion for rehearing is filed and, in the court of appeals, if no notice of intent to apply for certiorari. Not final until remittitur goes out.	The trial court is notified of the final decision of the appellate court by transmittal of a remittitur.
<b>Hawaii</b>	Final 10 days after opinion or summary disposition order is filed unless motion for reconsideration is filed. If reconsidered, final upon disposition of reconsideration.	Final decision delivered to the trial court judge and placed in the trial court record.
<b>Idaho</b>	Opinions of the supreme court become final 21 days after filing unless a petition for rehearing is filed.	The trial court is notified of the final decision of the supreme court by copy of the opinion being sent to the trial court and issuance of a remittitur.

Table 3.8 – Finality of Appellate Court Opinion (continued)

State	Finality of opinion	Method of notifying trial court of appellate court's final decision
Illinois	Unless a hearing is granted by the supreme court, the decision becomes final 21 days after filing of the appellate court decision, or 14 days after affidavit of intent filed.	The trial court and/or appellate court is notified of the final decision of the supreme court by a mandate.
Indiana	Opinion certified if time for requesting rehearing and petition to transfer has expired, rehearing petition denied, no timely petition for transfer, or when supreme court finally disposes of case.	The trial court is notified of the final decision by a certified copy of the opinion.
Iowa	Unless an application for further review is acted upon by the supreme court within 30 days after the application is filed, the opinion of the court of appeals becomes final.	The trial court is notified of the final decision of the appropriate appellate court by a copy of the opinion attached to the proceedings.
Kansas	In the supreme court the opinion becomes final 20 days after filing unless motion for rehearing is filed. The opinion becomes final 30 days after filing unless motion for rehearing or petition for review has been filed.	The trial court is notified of the final decision of the supreme court by mandate issued 20 days after the decision is handed down, or in the court of appeals, 30 days.
Kentucky	If a motion for discretionary review is filed in the supreme court and denied by that court, the decision of the court of appeals stands affirmed and final disposition will be forthwith by the clerk of the IAC. If the motion is granted, the appeal is perfected, considered and final disposition made by the clerk of the supreme court.	The trial court is notified of the final decision of the appellate court by the clerk of the appellate court who sends a copy of the opinion with an endorsement stamped with the date it became final.
Louisiana	The opinion becomes final once the delays for filing a rehearing have expired.	Opinion is mailed to the trial court.
Maine	Fourteen days after publication.	The trial court is notified of the supreme court's final decision when the clerk certifies the decision to the trial court clerk.
Maryland	–	The trial court is notified of the final decision of the appellate court when the original record is returned with a mandate and opinion. The lower court judge receives a copy of the opinion when it is filed.
Massachusetts	Unless a petition for further appellate review is granted by the supreme judicial court, the opinion becomes final 28 days after issuance of the appeals court opinion.	The trial court is notified of the final decision of the appellate courts by copy of the rescript and opinion on the 28th day following decision.
Michigan	If no application for leave to appeal is filed in the supreme court, the court of appeal's opinion becomes final 21 days after its filing.	The trial court is notified of the final decision of the appellate courts by issuance of a remittitur and return of the record.
Minnesota	The opinion becomes final when judgment is entered and certified to the trial court.	The trial court is notified of the final decision of the appellate courts by mailing a certified copy of the transcript of judgment to the trial court.
Mississippi	The opinion of the supreme court becomes final after 14 days unless a petition for rehearing is filed. A motion for rehearing may be filed within 14 days from the date of the opinion.	The trial court is notified of the final decision of the supreme court by a mandate with copy of opinion attached when decision is final.

Table 3.8 – Finality of Appellate Court Opinion (continued)

State	Finality of opinion	Method of notifying trial court of appellate court's final decision
<b>Missouri</b>	Denial by the supreme court.	The trial court is notified of the final decision of the appellate courts by issuance of a mandate.
<b>Montana</b>	By issuance of remittitur.	The trial court is notified of the final decision of the supreme court by remittitur.
<b>Nebraska</b>	Mandate issues 30 days after release of final decision.	The trial court is notified of the final decision of the COLR by an opinion mailed upon release or a postcard if by other method; mandate follows in 30 days.
<b>Nevada</b>	Opinion is final upon issuance of remittitur.	The trial court is notified of the final decision of the appellate court by a remitted certified copy of the judgment and a copy of the opinion. If the appeal is disposed of by stipulation, a copy of the order is sent to the trial court.
<b>New Hampshire</b>	Opinions final subject to motion for rehearing.	After rehearing period expires or rehearing is denied, the trial court is notified of the final decision of the supreme court by a certificate of the order and a copy of the opinion. Mandate is final upon issuance of certificate of order.
<b>New Jersey</b>	Opinion final on filing. In the IAC, the court's opinion is subject to motion for reconsideration.	Copy mailed to trial court, trial court administration, and assignment judge. In the IAC, a copy of the motion is mailed 2 days prior to release.
<b>New Mexico</b>	All appellate opinions are final upon issuance of the mandate after the rehearing period has lapsed.	The trial court is notified of the final decision of the appellate court by sending a copy to the trial court judge and the mandate to the trial court administrator.
<b>New York</b>	Uncorrected opinions are subject to revision until official publication.	The trial court is notified of the final decision of the appellate court by remittitur.
<b>North Carolina</b>	Unless an appeal of right is taken or a petition for review is granted by the supreme court, the decision of the court of appeals is final.	The trial court is notified of the final decision of the appellate court by a copy of opinion and official judgment.
<b>North Dakota</b>	The decision becomes final upon issuance of mandate.	The trial court is notified of the final decision of the appellate court by mandate from the clerk of the COLR and a certified copy of the opinion.
<b>Ohio</b>	–	The trial court is notified of the final decision of the appellate court by a copy of the file with court of appeals journal entry.
<b>Oklahoma</b>	Unless certiorari is granted by the supreme court, the decision becomes final when certiorari is denied.	The trial court is notified of the final decision by issuance of a mandate which includes a copy of the opinion and/or order.
<b>Oregon</b>	–	The trial court is notified immediately of the final decision of the appellate courts by a copy of the opinion, adding the costs and attorneys' fees awarded, if any, following petition for rehearing time.
<b>Pennsylvania</b>	Unless a hearing is granted by the IAC or review is granted by the supreme court, the opinion of the IAC becomes final.	The trial court is notified of the final decision of the appellate court by return of original trial court record with the appellate court's judgment order and opinion attached.

Table 3.8 – Finality of Appellate Court Opinion (continued)

State	Finality of opinion	Method of notifying trial court of appellate court's final decision
<b>Rhode Island</b>	Remanded to lower court after 5 days for appropriate action by that court in accordance with opinion of the supreme court.	Same day as court decision issued.
<b>South Carolina</b>	–	The trial court is notified of the supreme court's final decision by remittitur and certified copy of the opinion being sent to the trial court.
<b>South Dakota</b>	A decision is final on the date the remittitur (mandate) issues. If no petition for rehearing is filed—mandate issues 21 days after date of decision. If a petition for rehearing is filed and a majority of the court does not file statement requesting that rehearing be granted within 15 days of petition, the petition for rehearing is denied and the mandate issues.	Return of record, copy of decision, and remittitur.
<b>Tennessee</b>	Unless a hearing is granted by the supreme court, the decision becomes final immediately after filing of the supreme court's decision denying the application.	The trial court is notified of the final decision of the appellate courts by mandate copy (copy of decree or judgment order) and also by copy of opinion.
<b>Texas</b>	IAC opinion final if supreme court or court of criminal appeals does not grant review.	The trial court is notified of the final decision of the appellate court by issuance of a mandate.
<b>Utah</b>	If petition for certiorari is denied, decision of court of appeals deemed final.	The trial court is notified of the final decision of the appellate court by remittitur.
<b>Vermont</b>	Not applicable.	The trial court is notified of the final decision by certified copy of entry order and return of file.
<b>Virginia</b>	Opinion final after time for filing petition for rehearing is passed.	The trial court is notified by an order or an order and an opinion.
<b>Washington</b>	Unless a hearing is granted by the supreme court, the decision becomes final on the date of the denial of the petition.	The trial court is notified of the final decision of the appellate court by a copy of the opinion and mandate.
<b>West Virginia</b>	Opinion becomes final upon issuance of the mandate.	The trial court is notified of the final decision of the supreme court of appeals by returning the record with court order and taxation of costs.
<b>Wisconsin</b>	Decisions become final upon issuance of remittitur to trial court.	The trial court is notified of the final decision of the appellate court by remittitur.
<b>Wyoming</b>	Unless a petition for rehearing is pending, the decision becomes final 15 days after the filing of the decision.	The trial court is notified by mandate issuing upon denial of petition for rehearing or, if no petition is filed, within 15 days. In dismissals, notice is by copy of order only and return of record.
<b>Federal</b>		
U.S. Supreme Court	In a case on review from a state court the mandate issues 25 days after entry of judgment.	If a review is denied, the lower court is notified by letter; on granted cases, courts are notified by transmittal of the opinion.
U.S. Courts of Appeals	A mandate is issued in each case seven days after either expiration of time to file petition for rehearing or the denial of the petition.	The lower court is notified of the final decision of the appellate court by transmittal of the opinion or order.



Table 3.8 – Finality of Appellate Court Opinion (continued)

State	Finality of opinion	Method of notifying trial court of appellate court's final decision
<b>Federal</b> U.S. Air Force Court of Criminal Appeals	Opinions are not self-executing; the court does not issue a mandate. The UCMJ prescribes procedures for the Judge Advocate General to act on the findings of the court.	The trial court and the convening authority are notified of the final decision of the appellate court by dissemination of the opinion through the Air Force military justice system.
U.S. Army Court of Criminal Appeals	Same as above.	The appellant's current military commander is notified of the decision.
U.S. Court of Veterans Appeals	A mandate is issued in each case 60 days after judgment.	Appellee's counsel sends copy to the administration board.

**Table 4.1 – Expedited Procedures in Appellate Courts**

<b>State/Court</b>	<b>Advance queue (fast tracking)</b>	<b>Expedited briefing procedures</b>	<b>Use of oral argument in lieu of full written briefs</b>	<b>Submission on briefs alone</b>	<b>Use of preargument settlement conference</b>
<b>Alabama</b>					
Supreme Court	Yes	Yes	No	No	No
Court of Criminal Appeals	No	No	No	Yes	No
Court of Civil Appeals	No	No	No	No	No
<b>Alaska</b>					
Supreme Court	Yes	Yes	No	Yes	No
Court of Appeals	Yes	Yes	No	Yes	No
<b>Arizona</b>					
Supreme Court	No	No	No	– <sup>1</sup>	No
Court of Appeals	Civil/criminal	Civil	Civil	Civil/criminal	Yes <sup>2</sup>
<b>Arkansas</b>					
Supreme Court	No	Yes <sup>3</sup>	No	Yes	No
Court of Appeals	No	No	No	Yes	No
<b>California</b>					
Supreme Court	No	No	No	No	No
Courts of Appeal	Yes <sup>4</sup>	Civil/criminal <sup>5</sup>	No	Civil/criminal	Civil <sup>6</sup>
<b>Colorado</b>					
Supreme Court	Yes	Yes	No	Yes	No
Court of Appeals	Upon request	Upon request <sup>7</sup>	No	Yes	Yes
<b>Connecticut</b>					
Supreme Court	Civil/criminal	Civil/criminal	No	No	Civil
Appellate Court	Civil/criminal	Civil/criminal	No	Civil at court's discretion	Civil
<b>Delaware</b>					
Supreme Court	No	No	No	Yes	No
<b>District of Columbia</b>					
Court of Appeals	Yes <sup>8</sup>	Yes <sup>8</sup>	No	No	No <sup>9</sup>
<b>Florida</b>					
Supreme Court	No	Yes	No	Yes	No
District Courts of Appeal	Yes	Yes	No	Yes	No <sup>10</sup>
<b>Georgia</b>					
Supreme Court	No	Yes	No	Yes	No
Court of Appeals	No	No	No	Yes	No
<b>Hawaii</b>					
Supreme Court	No	No	No	Yes	Yes
Intermediate Court of Appeals	No	No	No	Yes	Yes

Table 4.1 – Expedited Procedures in Appellate Courts (continued)

State/Court	Advance queue (fast tracking)	Expedited briefing procedures	Use of oral argument in lieu of full written briefs	Submission on briefs alone	Use of preargument settlement conference
<b>Idaho</b>					
Supreme Court	No	Yes	No	Yes	Yes
Court of Appeals	No	No	No	Yes	Yes
<b>Illinois</b>					
Supreme Court	Yes	Yes	No	Yes	No
Appellate Court	Yes	Yes	No	Yes	No
<b>Indiana</b>					
Supreme Court	No	No	No	No	No
Court of Appeals	No	No	No	No	No
Tax Court	No	No	No	No	No
<b>Iowa</b>					
Supreme Court	Civil/criminal	Yes	No	Yes	No
Court of Appeals	Civil/criminal	Yes	No	Yes	No
<b>Kansas</b>					
Supreme Court	Yes	No	No	Civil/criminal <sup>11</sup>	No
Court of Appeals	Yes	Yes	No	Civil/criminal <sup>11</sup>	No
<b>Kentucky</b>					
Supreme Court	No <sup>12</sup>	Yes <sup>13</sup>	No	Yes	No
Court of Appeals	No	No	No	No	Civil
<b>Louisiana</b>					
Supreme Court	Civil/criminal <sup>14</sup>	Civil/criminal	No	No <sup>15</sup>	No
Courts of Appeal	Civil/criminal	Civil/criminal	No	Yes	No
<b>Maine</b>					
Supreme Judicial Court	No	Ad hoc basis	No	Civil/criminal	No
<b>Maryland</b>					
Court of Appeals	No	No	No	No	No
Court of Special Appeals	Civil/criminal	Civil/criminal	No	Civil/criminal	Civil
<b>Massachusetts</b>					
Supreme Judicial Court	No	No	No	No	No
Appeals Court	No	No	No	No	Yes
<b>Michigan</b>					
Supreme Court	No	No	No	No	No <sup>16</sup>
Court of Appeals	No	No	No	Yes	Yes <sup>17</sup>
<b>Minnesota</b>					
Supreme Court	No	No	No	No	No
Court of Appeals	No	No	No	No	No

Table 4.1 – Expedited Procedures in Appellate Courts (continued)

State/Court	Advance queue (fast tracking)	Expedited briefing procedures	Use of oral argument in lieu of full written briefs	Submission on briefs alone	Use of preargument settlement conference
<b>Mississippi</b>					
Supreme Court	Yes	Limited	No	Yes	Limited
Court of Appeals	Yes	Limited	No	Yes	No
<b>Missouri</b>					
Supreme Court	_18	_19	No	If requested	No
Court of Appeals	Civil/criminal	_19	No	Civil/criminal	Civil
<b>Montana</b>					
Supreme Court	No	No	No	No	No
<b>Nebraska</b>					
Supreme Court	No	No	No	Criminal <sup>20</sup>	No
Court of Appeals	Yes	No	No	Criminal <sup>20</sup>	No
<b>Nevada</b>					
Supreme Court	Yes	Capital Child Custody	No	Civil/criminal	Civil
<b>New Hampshire</b>					
Supreme Court	Yes <sup>21</sup>	Case by case basis	No	Civil/criminal	Civil
<b>New Jersey</b>					
Supreme Court	Yes	No	No	No	No
Superior Court, Appellate Division	Yes	Yes	Yes	Yes	Yes
<b>New Mexico</b>					
Supreme Court	Yes <sup>22</sup>	Yes <sup>22</sup>	No	Yes <sup>23</sup>	No
Court of Appeals	Civil/criminal <sup>24</sup>	Yes <sup>24</sup>	No	Yes	Civil
<b>New York</b>					
Court of Appeals	Civil/criminal	Civil/criminal	No	Civil/criminal	No
Supreme Court, Appellate Divisions	No	Criminal	No	Yes	Yes
<b>North Carolina</b>					
Supreme Court	Yes <sup>25</sup>	Yes <sup>25</sup>	No	Civil/criminal <sup>25</sup>	No
Court of Appeals	Civil/criminal	No	No	Civil/criminal	No
<b>North Dakota</b>					
Supreme Court	Yes <sup>26</sup>	Yes	No	Yes	No
Court of Appeals	No	No	No	Yes	No
<b>Ohio</b>					
Supreme Court	No	Yes <sup>27</sup>	No	Yes	No
Courts of Appeals	Yes	Civil/criminal	No	Civil/criminal	Civil/criminal

Table 4.1 – Expedited Procedures in Appellate Courts (continued)

State/Court	Advance queue (fast tracking)	Expedited briefing procedures	Use of oral argument in lieu of full written briefs	Submission on briefs alone	Use of preargument settlement conference
<b>Oklahoma</b>					
Supreme Court	Yes	No	No	Yes	Yes
Court of Criminal Appeals	Yes	No	Yes	No	No
Court of Civil Appeals	Yes	No	No	Yes	No
<b>Oregon</b>					
Supreme Court	No	Civil	Civil	Civil	Yes
Court of Appeals	No	Limited Civil	No	Yes	Yes <sup>28</sup>
<b>Pennsylvania</b>					
Supreme Court	Case-by-case basis	Case-by-case basis	No	Yes	No
Superior Court	Yes	No	No	Yes	No
Commonwealth Court	No	Yes	No	Yes	Yes
<b>Rhode Island</b>					
Supreme Court	Civil/criminal	Civil/criminal	Yes	Civil/criminal	Civil/criminal
<b>South Carolina</b>					
Supreme Court	No	No	No	Civil/criminal	No
Court of Appeals	No	No	No	Civil/criminal	No
<b>South Dakota</b>					
Supreme Court	No	No	No	Yes	No
<b>Tennessee</b>					
Supreme Court	No	No	No	No	No
Court of Appeals	No	No	No	No	No
Court of Criminal Appeals	No	No	No	No	No
<b>Texas</b>					
Supreme Court	No	No	No	Civil	No
Court of Criminal Appeals	No	No	No	Criminal	No
Courts of Appeals	No	No	No	Civil/criminal	No
<b>Utah</b>					
Supreme Court	No	No	No	No	No
Court of Appeals	No	No	No	Yes	Yes
<b>Vermont</b>					
Supreme Court	Yes	Yes	Yes	Civil/criminal	Yes
<b>Virginia</b>					
Supreme Court	No	No	No	No	No
Court of Appeals	Civil <sup>29</sup>	No	No	Yes <sup>30</sup>	No
<b>Washington</b>					
Supreme Court	No	No	No	No	No
Courts of Appeals	Yes <sup>31</sup>	No	No	Yes	No

Table 4.1 – Expedited Procedures in Appellate Courts (continued)

State/Court	Advance queue (fast tracking)	Expedited briefing procedures	Use of oral argument in lieu of full written briefs	Submission on briefs alone	Use of preargument settlement conference
<b>West Virginia</b>					
Supreme Court of Appeals	Yes <sup>32</sup>	Yes <sup>33</sup>	No	Yes <sup>32</sup>	No
<b>Wisconsin</b>					
Supreme Court	No	No	No	No	No
Court of Appeals	Civil	Civil	No	Civil/criminal	No
<b>Wyoming</b>					
Supreme Court	Yes	Yes	No	Yes	No
<b>Federal</b>					
U.S. Supreme Court	No	Yes	No	Yes <sup>34</sup>	No
U.S. Courts of Appeals <sup>35</sup>	Varies	Varies	Varies	Varies	Varies

**Endnotes**

<sup>1</sup> The supreme court may permit submission on briefs alone.  
<sup>2</sup> Division one.  
<sup>3</sup> By motion only.  
<sup>4</sup> Juvenile dependency.  
<sup>5</sup> Juvenile dependency.  
<sup>6</sup> Varies from district to district; responses represent fourth district (San Diego).  
<sup>7</sup> Upon request per rules in right-to-die cases.  
<sup>8</sup> Rarely held. Considered a request of counsel.  
<sup>9</sup> Expedited scheduling may be ordered in individual cases. It may include shortened briefing deadlines and advancing an argument date.  
<sup>10</sup> Settlement conferences are used by the first district.  
<sup>11</sup> Cases may be assigned to a summary calendar.  
<sup>12</sup> In cases in which parties request immediate relief, such is available upon request.  
<sup>13</sup> Certain categories of appeals are expedited by statute, case law, or court policy. Expedition may consist of shortened briefing deadlines and advance querying.  
<sup>14</sup> Special assignment for argument in cases in which the state or a subdivision is a party, where ends of justice require or cases impressed with the public interest.  
<sup>15</sup> A case may be submitted without oral argument. Oral argument waived if briefs are not filed timely.  
<sup>16</sup> The court can curtail briefing schedules or make other adjustments, but does not as a routine matter.  
<sup>17</sup> Experimental.  
<sup>18</sup> The court uses an advance queue if requested by the parties or on court's own motion.  
<sup>19</sup> The court uses expedited briefing procedures if requested by the parties or on court's own motion.

<sup>20</sup> Where accused entered plea of guilty or no contest or where sole allegation of error is an excessive or excessively lenient sentence.  
<sup>21</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.  
<sup>22</sup> Only by court order in special circumstances.  
<sup>23</sup> Oral argument in civil and criminal cases only upon request of party and permission of court.  
<sup>24</sup> Now in preliminary experimental stage.  
<sup>25</sup> Occurs very rarely and is at the discretion of the court.  
<sup>26</sup> Clerk's office also uses a prescreening process to identify appeals that do not comply with the statutes or rules regarding appeals.  
<sup>27</sup> Expedited briefing procedures are by order in election cases.  
<sup>28</sup> Civic/workers' compensation/domestic relations cases.  
<sup>29</sup> Workers' compensation cases only.  
<sup>30</sup> In fast-track workers' compensation cases only.  
<sup>31</sup> Exceptional sentences and motions on the merits. These are both initially decided by court commissioners; motions on the merits affirm a trial court decision if the appeal is determined to be clearly without merit.  
<sup>32</sup> Discretionary with supreme court (case-by-case basis).  
<sup>33</sup> Mandatory in workers' compensation cases; discretionary with supreme court in all other cases.  
<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 4.2 – The Use of Settlement Conferences in Appellate Courts**

<b>State/Court</b>	<b>Mandatory settlement conferences</b>	<b>Year settlement conferences established</b>	<b>Name of program/contact</b>
<b>California</b>			
Courts of Appeal			
2nd District	No	1977	Clerk of the Court
5th District	No	1982	Not applicable
6th District	No <sup>1</sup>	Not applicable	Not applicable
<b>Colorado</b>			
Court of Appeals	No	–	Preargument Conference/Clerk of the Court
<b>Connecticut</b>			
Supreme Court	Yes	1986-87	Preargument Conference Program/Staff Attorney
Court of Appeals	Yes	1986-87	Preargument Conference Program/Staff Attorney
<b>District of Columbia</b>			
Court of Appeals	No <sup>2</sup>	–	–
<b>Florida</b>			
First District Court of Appeal	Yes	July 1996	Appellate Mediation Program
<b>Hawaii</b>			
Supreme Court	Yes	March 1995	Appellate Conference Program
Intermediate Court of Appeals	Yes	March 1995	Appellate Conference Program
<b>Idaho</b>			
Supreme Court	Yes	October 1989	Appellate Settlement Conference/Supreme Court Clerk
Court of Appeals	Yes	October 1989	Appellate Settlement Conference/Supreme Court Clerk
<b>Illinois</b>			
Appellate Court, 1st District	If ordered	Not applicable	Not applicable
<b>Iowa</b>			
Supreme Court	Not applicable <sup>3</sup>	Not applicable	Not applicable
Court of Appeals	Not applicable	Not applicable	Not applicable
<b>Kentucky</b>			
Court of Appeals	Yes	July 1986	Prehearing Conference Program/Conference Attorney
<b>Maryland</b>			
Court of Special Appeals	Yes	1980	Prehearing Conferences
<b>Massachusetts</b>			
Appeals Court	Yes, for cases selected by court.	1993	Massachusetts Appeals Court Conference Program/Attorney
<b>Michigan</b>			
Court of Appeals	Yes – if selected	1998	Settlement Conference/Attorney
<b>Nevada</b>			
Supreme Court	Yes	1996	Supreme Court Settlement Conference Program
<b>New Hampshire</b>			
Supreme Court	No	1979	Clerk of the Court

Table 4.2 – The Use of Settlement Conferences in Appellate Courts (continued)

<b>State/Court</b>	<b>Mandatory settlement conferences</b>	<b>Year settlement conferences established</b>	<b>Name of program/contact</b>
<b>New Jersey</b> Superior Court, Appellate Division	No	1981	Civil Appeals Settlement Program/Deputy Clerk
<b>New Mexico</b> Court of Appeals	No	1986	None
<b>New York</b> Supreme Court, Appellate Divisions			
First Department	No	1991	Pre-argument Conference
Second Department	Yes		CAMP (Civil Appeals Management Program)
<b>Ohio</b> Supreme Court	In selected cases	1998	Pilot Mediation Program
Courts of Appeals	No	–	Varies
<b>Oregon</b> Supreme Court	No	1995	Appellate Mediation
Court of Appeals	No	1995	Appellate Mediation
<b>Pennsylvania</b> Commonwealth Court	No	–	–
<b>Rhode Island</b> Supreme Court	Yes	1976	Pre Briefing Conference
<b>Texas</b> Court of Appeals, 5th District	No	1995	Appellate Dispute Resolution
<b>Utah</b> Court of Appeals	Yes	1998	Appellate Mediation Program/Attorney Mediator
<b>Vermont</b> Supreme Court	No	1990	Case Management Program
<b>Federal</b> U.S. Courts of Appeals			
Second Circuit	Yes	1974	Civil Appeals Management Plan
Third Circuit	Yes	1994	–
Fourth Circuit	Yes	1994	Office of the Circuit Mediator
Fifth Circuit	No	1996	Appellate Conference Program
Sixth Circuit	No	1975	Pre-argument Settlement Conference Program
Eighth Circuit	No	–	Circuit Mediation Office
Eleventh Circuit	Yes	1992	–
U.S. Court of Veterans Appeals	Yes	1994	None/Senior Staff Attorney

Notes: Only the courts that have settlement conferences are listed. Missouri uses preargument settlement conferences.



Table 4.2 – The Use of Settlement Conferences Appellate Courts (continued)

**Endnotes**

<sup>1</sup> If all counsel agree to discuss settlement prior to the record, the presiding justice will assign a justice of the court to conduct settlement negotiations.

<sup>2</sup> Rules provide for settlement conferences. In practice, conferences are very rare—held only when parties request them (requests are not

encouraged). Use in the late 1980s suggested that they were not cost-effective in increasing dispositions. Currently almost half of the civil appeals are abandoned or dismissed before completion of the record.

<sup>3</sup> Iowa is currently studying a pilot settlement conference program.

**Table 4.3 – Details of Settlement Conferences**

<b>State/Court</b>	<b>Who presides</b>	<b>Conference location</b>	<b>Case types included</b>	<b>Case types excluded</b>
<b>California</b>				
Courts of Appeal				
2nd District	Justice or court-appointed mediator/settlement officer	The court	Civil	Non-Civil
5th District	A justice of the court	–	Civil, government agencies, boards, and districts	Cases involving juveniles
6th District	Not applicable	Not applicable	Not applicable	Not applicable
<b>Colorado</b>				
Court of Appeals	Senior judges	Court of appeals conference rooms	Civil and some domestic relations cases	Criminal, juvenile, ICAO, and pro se cases
<b>Connecticut</b>				
Supreme Court; Court of Appeals	Judge	Various locations within state	–	Habeas corpus, pro se, and juvenile
<b>District of Columbia</b>				
Court of Appeals	–	–	–	–
<b>Florida</b>				
First District Court of Appeal	Appellate mediation officer	Tallahassee and via telephone conference calls	Administrative, civil, and worker's compensation appeals	Criminal and pro se cases
<b>Hawaii</b>				
Supreme Court; Intermediate Court of Appeals	Volunteer retired judges and attorneys	Usually in the circuit from which the appeal arises	Civil	Mandamus, prohibition, post-conviction proceedings, reserved questions, driver's license revocation, and restraining orders
<b>Idaho</b>				
Supreme Court	Justice or court of appeals judge	Where the appeal was filed	Civil and agency	Criminal
Court of Appeals	Justice or court of appeals judge	Where the appeal was filed	Civil and agency	Criminal
<b>Illinois</b>				
Appellate Court, 1st District	Not applicable	Not applicable	Not applicable	Not applicable
<b>Iowa</b>				
Supreme Court	Not applicable	Not applicable	Not applicable	Not applicable
Court of Appeals	Not applicable	Not applicable	Not applicable	Not applicable
<b>Kentucky</b>				
Court of Appeals	Settlement Conference Attorneys	75% at various locations around the state and 25% by telephone	Civil appeals	Criminal, parental terminations and child custody, and worker's compensation
<b>Maryland</b>				
Court of Special Appeals	Judges of COSA, retired COA and COSA judges	Held in the judge's chambers in the jurisdiction where the case originated	Mostly civil	Criminal, juvenile cases, applications for leave to appeal, appeals by prisoners seeking relief relating to confinement or conditions of confinement

Table 4.3 – Details of Settlement Conferences (continued)

State/Court	Who presides	Conference location	Case types included	Case types excluded
<b>Massachusetts</b> Appeals Court	Currently 15 retired trial judges and 5 experienced trial lawyers all appointed by the chief justice of the appeals court	At one central Boston office operated by the court and offices of individual conference leaders in six other counties across the state	Most categories of civil appeals	Criminal and quasi-criminal, custody and adoption, personal liberty, and single justice matters
<b>Michigan</b> Court of Appeals	Volunteer attorneys	Detroit	–	–
<b>Nevada</b> Supreme Court	Settlement judges appointed by supreme court	At discretion of settlement judge	Civil	Criminal and termination of parental rights
<b>New Hampshire</b> Supreme Court	Retired judges, clerk, deputy clerk, and staff attorney	Courthouse	All	None
<b>New Jersey</b> Superior Court, Appellate Division	There is a total of five retired appellate division judges serving in the program	Held in judges chambers at six location throughout the state	Civil	Pro se, interlocutory, paternity or custody, unemployment, landfill, gun permit, or mental capacity
<b>New Mexico</b> Court of Appeals	–	Court of appeals courtroom	Usually civil	None
<b>New York</b> Supreme Court, Appellate Divisions				
1st Department	Special Master	Courthouse	Most civil litigation	Non-final orders
2nd Department	Currently three former judges	Chambers of the former judges	Primarily civil torts	Criminal, pro se, and custody cases
<b>Ohio</b> Supreme Court	Mediation commissioner	Supreme court offices	Tax appeals, and original actions involving public records, attorney fees, and teacher tenure	–
Courts of Appeals	Mediation attorney	Local court offices	Civil	Criminal
<b>Oregon</b> Supreme Court	Attorney Mediators	Private offices	Civil, domestic, and agency	Criminal and juvenile
Court of Appeals	Attorney Mediators	Private offices	Civil, domestic, and agency	Criminal and juvenile
<b>Pennsylvania</b> Commonwealth Court	A duty judge	Duty judge's chambers	Finance and revenue and original jurisdiction matters	Appeals
<b>Rhode Island</b> Supreme Court	A justice of the supreme court or retired justices; each justice does 8-10 conferences per month	Supreme court justice's chambers	All direct appeals	Miscellaneous petitions
<b>Texas</b> Court of Appeals, 5th District	Judges	Not applicable	Civil	Not applicable
<b>Utah</b> Court of Appeals	Appellate Court Mediator	Usually on phone	Civil, agency reviews	Criminal, domestic, pro se, and juvenile

Table 4.3 – Details of Settlement Conferences (continued)

<b>State/Court</b>	<b>Who presides</b>	<b>Conference location</b>	<b>Case types included</b>	<b>Case types excluded</b>
<b>Vermont</b>				
Supreme Court	Staff attorneys	Staff attorney's office	All possible	None
<b>Federal</b>				
U.S. Courts of Appeals				
Second Circuit	Staff counsel	U.S. Courthouse; on occasion off site or by telephone	Civil	Prisoner habeas corpus
Third Circuit	Appellate mediation program director, or senior district, or circuit judges	Courthouse where judge of mediation program director has offices	Civil	Pro se and habeas corpus
Fourth Circuit	Circuit mediator	Telephone	Civil	Criminal, prisoner, and pro se
Fifth Circuit	Appellate conference attorney	Majority of the time by telephone conference but sometimes by face to face conference in JMW building	Primarily ordinary civil litigation	Criminal, cases brought by prisoners, and cases with pro se litigants
Sixth Circuit	Mediation Conference Attorney	Same as above	Civil	Criminal, pro se, post-conviction cases
Eighth Circuit	Conference attorney	U.S. Courthouse; on occasion offsite or by telephone	Civil (See 8th Circuit Rule 33A)	–
Eleventh Circuit	Circuit mediator	Courthouse	Civil	Criminal, prisoner, habeas, and insurance
U.S. Court of Veterans Appeals	Staff attorney	Clerk's conference room or conference call	Appeals of veterans claims	Pro se cases

**Table 4.4 – Additional Details of Settlement Conferences**

State/Court	Are pro se cases scheduled for settlement conferences?	Estimated % of settlement conference caseload	Is the program evaluated?	Is a report available on the program?	Are trial judges used?	Are central legal staff involved?	Program goals
<b>California</b>							
Courts of Appeal							
2nd District	No	<5%	Yes	No	Occasionally	No	To provide alternative dispute resolution
5th District	No	<1%	Yes	No	No	No	To reduce appellate delay
6th District	No	NA	NA	NA	NA	NA	NA
<b>Colorado</b>							
Court of Appeals	No	No data	No data	No data	No	No	To resolve selected civil cases before briefing and argument
<b>Connecticut</b>							
Supreme Court	No	Approx. 70%	–	–	No	Yes	To encourage settlement, issue reduction, and expedite appeals
Court of Appeals	No	Approx. 70%	–	–	Yes	Yes	To encourage settlement, issue reduction, and expedite appeals
<b>District of Columbia</b>							
Court of Appeals	NA	NA	NA	NA	NA	NA	NA
<b>Florida</b>							
First District Court of Appeal	Not usually	7%	Internally by court	Yes	No	Mediation officer is a court attorney	To reduce caseload on judges by a cost effective court mediation program
<b>Hawaii</b>							
Supreme Court; Intermediate Court of Appeals	Yes	<10%	Yes	No	Yes, retired	Director of the Center for ADR coordinates	To encourage settlement, simplify issues, limit records, and reduce costs
<b>Idaho</b>							
Supreme Court Court of Appeals	Yes	Not available	Yes	Yes	No	No	To encourage settlement of appeals
<b>Illinois</b>							
Appellate Court, 1st District	NA	NA	NA	NA	NA	NA	NA
<b>Iowa</b>							
Supreme Court	NA	NA	NA	NA	NA	NA	NA
Court of Appeals	NA	NA	NA	NA	NA	NA	NA
<b>Kentucky</b>							
Court of Appeals	No	75% screened; 40% conferenced	Yes	Yes	No	Yes	To encourage settlement, simplification of issues, and designation of record and briefing schedules
<b>Maryland</b>							
Court of Special Appeals	No	25%	Yes	Yes	No	No	To settle appeals, limit issues on appeal, identify procedural problems, and work out logistical needs

Table 4.4 – Additional Details of Settlement Conferences (continued)

State/Court	Are pro se cases scheduled for settlement conferences?	Estimated % of settlement conference caseload	Is the program evaluated?	Is a report available on the program?	Are trial judges used?	Are central legal staff involved?	Program goals
<b>Massachusetts</b> Appeals Court	No	40%	Informally	No	Yes, retired	Yes	Settlement, simplification of cases, and to ease caseload
<b>Michigan</b> Court of Appeals	No	–	–	No	No	–	–
<b>Nevada</b> Supreme Court	No	50-60%	Yes	Yes	No	Clerk's office attorneys manage program	To provide a forum for expeditious resolution of civil appeals
<b>New Hampshire</b> Supreme Court	Yes	1-2%	No	No	No	Yes	To reduce caseload for justices and to simplify issues on appeal
<b>New Jersey</b> Superior Court, Appellate Division	No	10%	Monitored by supervising judge	Yes	No	No	To encourage settlement, simplify issues, and save costs
<b>New Mexico</b> Court of Appeals	Rarely	<10%	Yes	Yes	No	Yes	To make an expedient, final resolution of legal dispute
<b>New York</b> Supreme Court, Appellate Divisions							
1st Department	No	15%	Yes	No	No	No	To reduce number of appeals
2nd Department	No	–	–	–	–	Yes	To help with resolution or limitation of issues for appeal
<b>Ohio</b> Supreme Court	–	–	–	–	No	Yes	To encourage and facilitate settlement and resolution of original actions and certain appeals
Courts of Appeals	Yes	–	Yes	Yes	No	Yes	
<b>Oregon</b> Supreme Court Court of Appeals	Yes	10%	Yes	Not yet	No	No	To reduce number of cases reviewed by IAC
<b>Pennsylvania</b> Commonwealth Court	No	30%	No	No	No	Yes	Time reduction
<b>Rhode Island</b> Supreme Court	No	75%	Yes	No	No	Yes	To reduce backlog
<b>Texas</b> Court of Appeals, 5th District	NA	50	Yes	No	No	No	To reduce number of cases to be reviewed by IAC
<b>Utah</b> Court of Appeals	No	No data	Not yet	Not yet	No	Yes	To increase parties' satisfaction with the courts and reduce judge's caseload

Table 4.4 – Additional Details of Settlement Conferences (continued)

State/Court	Are pro se cases scheduled for settlement conferences?	Estimated % of settlement conference caseload	Is the program evaluated?	Is a report available on the program?	Are trial judges used?	Are central legal staff involved?	Program goals
<b>Vermont</b>							
Supreme Court	Yes	1%	No	No	No	Yes	To encourage resolution of cases and clarify or narrow issues.
<b>Federal</b>							
U.S. Courts of Appeals							
Second Circuit	No	28%	Yes	Yes	No	Yes	To settle appeals or narrow issues
Third Circuit	No	–	Yes	–	Yes, senior	No	Settlement
Fourth Circuit	No	20%	Yes	Yes	No	No	Settlement
Fifth Circuit	No	<5%	Yes	Yes	No	Yes	To clarify issues of settlement, and consideration of other matters relating to efficient management
Sixth Circuit	No	–	No	No	No	No	To encourage settlement and narrowing of issues
Eighth Circuit	No	20%	Yes	No	No	No	To settle appeals or narrow issues
Eleventh Circuit	No	–	–	–	No	No	Settlement
U.S. Court of Veterans Appeals	No	50%	Informally	No	No	Yes	To encourage settlement and narrowing of issues

**Table 4.5 – Special Calendars in Appellate Courts**

<b>State/Court</b>	<b>Types of appeals on calendars</b>
<b>Alabama</b> Supreme Court	Extraordinary writs
<b>Arizona</b> Court of Appeals	–
<b>California</b> Courts of Appeal	Juvenile dependency appeals (streamlined track)
<b>Colorado</b> Supreme Court	Juvenile matters, including parent-child termination, ballot-title appeals, Interlocutory search and seizure case
<b>Florida</b> District Courts of Appeal	Varies
<b>Idaho</b> Supreme Court	Adoption, parent-child termination, child custody
Court of Appeals	Parent-child termination, child custody
<b>Illinois</b> Supreme Court	Accelerated docket
Appellate Court	Accelerated docket
<b>Iowa</b> Supreme Court	Attorney discipline, adoption, child placement, child custody, parent-child termination, review of court of appeals' opinions
Court of Appeals	Adoption, child placement, child custody, parent-child termination
<b>Louisiana</b> Supreme Court	Attorney discipline, appeals in which state is a party, select-summary docket
<b>Michigan</b> Court of Appeals	Summary calendars (no case type specific)
<b>Nevada</b> Supreme Court	Child custody, capital criminal appeals
<b>New Jersey</b> Superior Court, Appellate Division	Defined sentencing issues appeals (oral argument calendars, considered without briefs but with transcript and court record)
<b>New York</b> Court of Appeals	Election matters (motions and appeals calendar)
Supreme Court, Appellate Divisions	Sentencing appeals, election laws
<b>Ohio</b> Supreme Court	Accelerated consideration (no case type specific)
Courts of Appeals	Accelerated calendar (no case type specific)
<b>Oregon</b> Court of Appeals	Land use board of appeal, termination of parental rights
<b>Tennessee</b> Supreme Court	Workers' compensation appeals (heard by a three-judge panel of 1 supreme court justice and 2 special designates)
<b>West Virginia</b> Supreme Court of Appeals	Workers' compensation



**Table 5.1 – Appellate Court Judges**

State	Number of judges in courts of last resort (COLRs)		Number of judges in intermediate appellate courts (IACs)	
	Authorized	Serving	Authorized	Serving
Alabama	9	9	10 <sup>1</sup>	10 <sup>1</sup>
Alaska	5	5	3	3
Arizona	5	5	22	22
Arkansas	7	7	12	12
California	7	7	92	92
Colorado	7	7	16	16
Connecticut	7	7 <sup>2</sup>	9	9 <sup>2</sup>
Delaware	5	5	–	–
District of Columbia	9	9	–	–
Florida	7	7	61	61
Georgia	7	7	10	10
Hawaii	5	5	4	4
Idaho	5	5	3	3
Illinois	7	7	53	53
Indiana	5	5	16 <sup>3</sup>	16 <sup>3</sup>
Iowa	9	9	6	6
Kansas	7	7	10	10
Kentucky	7	7	14	14
Louisiana	7	8 <sup>4</sup>	55	54 <sup>4</sup>
Maine	7	7	–	–
Maryland	7	7	13	13
Massachusetts	7	7	14	16 <sup>5</sup>
Michigan	7	7	28	28
Minnesota	7	7	16	16
Mississippi	9	9	10	10
Missouri	7	7	32	32
Montana	7	7	–	–
Nebraska	7	7	6	6
Nevada	5 <sup>6</sup>	5	–	–
New Hampshire	5	5	–	–
New Jersey	7	7	32	32
New Mexico	5	5	10	10
New York	7	7	69 <sup>7</sup>	63 <sup>7</sup>
North Carolina	7	7	13	13
North Dakota	5	5	–	–
Ohio	7	7	66	66
Oklahoma	14 <sup>8</sup>	14 <sup>8</sup>	12	12
Oregon	7	7	10	10
Pennsylvania	7	7	24 <sup>9</sup>	24 <sup>9</sup>
Rhode Island	5	5	–	–

Table 5.1 – Appellate Court Judges (continued)

State	Number of judges in courts of last resort (COLRs)		Number of judges in intermediate appellate courts (IACs)	
	Authorized	Serving	Authorized	Serving
<b>South Carolina</b>	5	5	9	9
<b>South Dakota</b>	5	5	–	–
<b>Tennessee</b>	5	5	24 <sup>10</sup>	24 <sup>10</sup>
<b>Texas</b>	18 <sup>11</sup>	18 <sup>11</sup>	80	80
<b>Utah</b>	5	5	7	7
<b>Vermont</b>	5	5	–	–
<b>Virginia</b>	7	7	10	10
<b>Washington</b>	9	9	23	21
<b>West Virginia</b>	5	5	–	–
<b>Wisconsin</b>	7	7	16	16
<b>Wyoming</b>	5	5	–	–
<b>Federal</b>				
<b>U.S. Supreme Court</b>	9	9	–	–
<b>U.S. Courts of Appeals</b>	–	–	179	153 <sup>12</sup>

**Endnotes**

<sup>1</sup> Five judges on court of criminal appeals; five judges on court of civil appeals.

<sup>2</sup> Figure does not include senior justice in supreme court or senior judge in appellate court.

<sup>3</sup> One judge in the Indiana Tax Court.

<sup>4</sup> One judge elected to a temporary judgeship on the courts of appeal was assigned, effective 1/1/93 to sit on the supreme court. Appointment will expire on or before December 31, 2000.

<sup>5</sup> Figure includes three recall justices and one vacant position.

<sup>6</sup> Seven authorized. Court will expand from five to seven in January 1999, following November 1998 general election.

<sup>7</sup> Forty-eight justices on appellate divisions of supreme court and ten on appellate terms of supreme court.

<sup>8</sup> Nine justices in the supreme court and nine justices in the court of criminal appeals.

<sup>9</sup> Nine justices in the supreme court and five in the superior court.

<sup>10</sup> Twelve judges on the court of appeals; twelve judges on the court of criminal appeals.

<sup>11</sup> Nine justices in the supreme court and nine justices in the court of criminal appeals.

<sup>12</sup> Includes the court of appeals for the federal circuit. Information is current as of June 1, 1997.

**Table 5.2 – Selection, Administrative Duties, and Responsibilities of the Chief Justice**

<b>State</b>	<b>Selection of chief justice</b>	<b>Chief justice writes fewer opinions because of administrative duties</b>	<b>Percentage of time chief justice spends on administrative tasks (estimate)</b>	<b>Special responsibilities of chief justice</b>
<b>Alabama</b>	Statewide election	Yes	50%	–
<b>Alaska</b>	By vote of the members of the court	No	25%	Chief justice is administrative head of all courts, assisted by administrative director and staff. Duties include budget and fiscal control.
<b>Arizona</b>	Peer election by the supreme court justices	No formula for this; handled by chief justice and supreme court		Chief justice has supervision of calendar, general administrative duties, signing of formal orders of court and stipulations, etc.; administrative supervision all courts; planning judicial conferences; budget matters; and assignment of judges.
<b>Arkansas</b>	Statewide election	No	20%	–
<b>California</b>	Nominated by the governor and approved by the Commission on Judicial Appointments	No	50%	Chairman of Judicial Council; Chairman of Commission on Judicial Appointments; President, Board of Directors, Hastings College of Law. Responsible for assigning judges from one court to another.
<b>Colorado</b>	Majority vote of the supreme court	No	25%	Chief justice supervises work of judicial administrator's office, clerk's and librarian's offices; prepares with clerk the staffing pattern, purchases and budget; prepares report for governor on all deficiencies found in statutory law during year; represents court at legislative hearings.
<b>Connecticut</b>	Nominated by governor	No	50%	Chief justice is administrative head of entire judicial department.
<b>Delaware</b>	Nominated by governor and confirmed by senate	No	40%	Chief justice has usual administrative duties.
<b>District of Columbia</b>	Judicial Nomination Commission	Yes <sup>1</sup>	Not available	–

Table 5.2 – Selection, Administrative Duties, and Responsibilities of the Chief Justice (continued)

State	Selection of chief justice	Chief justice writes fewer opinions because of administrative duties	Percentage of time chief justice spends on administrative tasks (estimate)	Special responsibilities of chief justice
<b>Florida</b>	By the court every two years	Yes	90%	Chief justice handles all administrative details, including large volume of correspondence, assignment of judges at all levels; supervises generally the business operations of the court with assistance of court committees; presides at all oral argument sessions and court conferences. All opinions clear office before filing.
<b>Georgia</b>	Vote of the court	Yes <sup>2</sup>	20%	Chief justice is administrative officer of the court, passes on such matters as applications for extension of time for filing briefs.
<b>Hawaii</b>	Nominated by Judicial Selection Commission, selected by governor, confirmed by senate	No	60% or more	Chief justice, as administrative head of entire judiciary of the state, has charge of calendar assignments in trial courts, designation of judges for temporary service in other jurisdictions, preparation and submission to legislature of a unified budget for all courts, appointment of all magistrates; chairman of Judicial Council; interviews and conferences with people having business with the judiciary; preparation and submission of annual report to legislature; presides at all court proceedings.
<b>Idaho</b>	Majority vote of the justices	No	25%	The chief justice is the executive head of the judicial system including the appellate courts and trial courts. The chief justice designates judges for temporary service in other districts, directs the preparation and submission of the budget for the entire judicial branch to the legislative branch, appoints chief Judge of the court of appeals, acts as chairman to the Judicial Council, directs preparation and distribution of the Annual Report of the Court System, presides at all court conferences as well as setting time and place, authorizes travel requests, supervises staff, and takes all steps necessary to carry out the policies set forth by the supreme court relating to legislation, budget, and other branches and agencies of state government.

Table 5.2 – Selection, Administrative Duties, and Responsibilities of the Chief Justice (continued)

<b>State</b>	<b>Selection of chief justice</b>	<b>Chief justice writes fewer opinions because of administrative duties</b>	<b>Percentage of time chief justice spends on administrative tasks (estimate)</b>	<b>Special responsibilities of chief justice</b>
<b>Illinois</b>	Designated by fellow supreme court justices for a 3-year term	Yes <sup>3</sup>	Significant percentage	Responsible for exercising court's general administrative and supervisory authority which involves myriad duties.
<b>Indiana</b>	Judicial Nominations Commission votes on the issue	–	50%	Chief justice responsible for ruling on all motions; writing all correspondence on behalf of court; directing activities of Board of Law Examiners; the Disciplinary Commission; the Committee on Rules of Procedure; conferring with Judicial Council, etc. Represents and speaks for the court at public ceremonies, etc.
<b>Iowa</b>	Supreme court justices	Yes	25%	Chief justice has administrative duties for supreme court and trial courts, including planning of Judicial Conferences. Orders extending time for filing records and arguments; assigning district judges outside their districts, appointing appraisers in all condemnation proceedings where damages payable from state treasury.
<b>Kansas</b>	By seniority, a constitutional requirement	Yes <sup>4</sup>	80%	Chief justice has duties of court administration statewide—prepares and presents to legislature a budget for the unified judicial branch. Sets supreme court dockets and presides at all court proceedings. Makes appointments to various commissions and designates judges to serve temporarily in the trial courts and in the appellate courts. Rules on motions in cases not yet assigned to individual justice.
<b>Kentucky</b>	Election of the justices	No	75%	Chief justice is administrative head of unified court system. In addition to all administrative duties for the Supreme Court of Kentucky, chief justice is responsible for preparation and submission to legislature of a unified budget for all courts, oversight of all trial and appellate courts and court clerks, and oversight of the Administrative Office of the Courts.

Table 5.2 – Selection, Administrative Duties, and Responsibilities of the Chief Justice (continued)

State	Selection of chief justice	Chief justice writes fewer opinions because of administrative duties	Percentage of time chief justice spends on administrative tasks (estimate)	Special responsibilities of chief justice
Louisiana	By seniority	Yes <sup>5</sup>	50%	Chief justice is administrative head of Louisiana's judiciary. Also bears an equal share of the judicial business of the supreme court.
Maine	Appointed by governor	No	–	Chief justice is administrative head of the Supreme Judicial Court. Also designates the Chief Judges of the trial Courts. Assigns opinions in the supreme judicial court, works closely with clerk of the law court on the docket and other administrative matters. Submits budget for the judicial branch.
Maryland	Gubernatorial appointment	No	30%	–
Massachusetts	Gubernatorial appointment	Yes	–	Chief justice prepares and submits budget to legislature, works with Ways and Means Committee, payrolls, expense vouchers, dealing with executive secretary; appointment to such positions as Administrative Committee of District Courts, Probation Committee, Appellate Divisions of District Courts, Administrative Committee of Probate Courts, conferring with bar examiners, sets motions for continuances, handles most correspondence.
Michigan	Vote of the justices at first conference in each odd-numbered year	Yes <sup>6</sup>	–	Chief justice responsible for direction of court administrator, has charge of Judicial Conference and meetings of state judges; directions of court attachés, clerk, reporter, crier, etc., and of business and finances and legislative needs of court – speeches and public relations.
Minnesota	Appointed by governor	No	45%	Chief justice has supervision of state's trial courts and generally of court system. Much of correspondence addressed to the court answered by him. Chief justice also prepares and submits budget to legislature; tabulates work done by trial judges in the state for the legislature.

Table 5.2 – Selection, Administrative Duties, and Responsibilities of the Chief Justice (continued)

State	Selection of chief justice	Chief justice writes fewer opinions because of administrative duties	Percentage of time chief justice spends on administrative tasks (estimate)	Special responsibilities of chief justice
<b>Mississippi</b>	Appointed by supreme court justices	No	15%	Most of time of chief justice during office hours consumed with administrative details and conferences.
<b>Missouri</b>	Every two years the court elects one of its members in a rotational manner	No	–	–
<b>Montana</b>	Elected by statewide ballot/ nonpartisan	Yes <sup>7</sup>	20%	Chief justice responsible for time motions, setting calendar of arguments; administration, budget; assignment of opinions.
<b>Nebraska</b>	Merit selection; governor selects from names forwarded by Judicial Nominating Committee	No	50%	–
<b>Nevada</b>	Senior in commission or by lot if equal commission	No	25%	Chief justice presides over all court meetings; is a member of judicial selection commission; supervision of supreme court staff and staff of administrative office of the courts; responsible for preparation and presentation of budget; decision of procedural matters; per constitution is administrative head of court system.
<b>New Hampshire</b>	Appointed by governor and confirmed by elected executive counsel	No	25%	Under New Hampshire Constitution, the chief justice is the administrative head of all courts in the state.
<b>New Jersey</b>	Appointed by governor	Yes <sup>8</sup>	50%	Under the New Jersey Constitution, the chief justice is the administrative head of all courts in the state.
<b>New Mexico</b>	Peer selection every two years as mandated by state constitution	No	65%	The chief justice serves as administrative officer of the Judicial Branch of Government, he/she is solely responsible for the designation of trial judges throughout the state in cases in which the resident judge is disqualified.
<b>New York</b>	Appointed by governor	No	50% <sup>9</sup>	The chief justice is chair of the Judicial Conference and chief judge of the state.
<b>North Carolina</b>	Elected by statewide ballot	No	60%	Chief justice assigns special judges and emergency judges in the superior courts.

Table 5.2 – Selection, Administrative Duties, and Responsibilities of the Chief Justice (continued)

State	Selection of chief justice	Chief justice writes fewer opinions because of administrative duties	Percentage of time chief justice spends on administrative tasks (estimate)	Special responsibilities of chief justice
<b>North Dakota</b>	Elected by court justices and trial court judges	No	40%	Under North Dakota's constitution chief justice is administrative head of all courts in state.
<b>Ohio</b>	Nonpartisan election	No	40%	The chief judge assigns retired and visiting judges, rules on affidavits of disqualification, exercises superintendence authority over trial and appellate courts, chairs judicial conference, and chairs Ohio Criminal Sentencing Commission.
<b>Oregon</b>	–	–	–	The chief justice is chairman of the Judicial Council; has administrative supervision of trial courts.
<b>Pennsylvania</b>	Length of continuing service	No	50%	The chief justice has many additional responsibilities, including conferences with trial and other judges, bar committees, and attorneys concerning their respective problems; supervision of judges who are far back in their work; recommendations for reducing court congestion and backlog; administrative work of the court; and personally deciding miscellaneous petitions (and answers and supporting briefs) each year.
<b>Rhode Island</b>	The governor with the advice and consent of legislature	No	60%	Chief justice performs exclusively all administrative duties, including numerous consultations with lawyers having cases pending before the court or seeking permission for leave to file petitions for prerogative writs or motions for reargument. Also acts as administrator of statewide court system.
<b>South Carolina</b>	Legislature	No	–	–
<b>South Dakota</b>	Vote of the Justices for a 4 year term and may be re-elected	Yes	40%	–
<b>Tennessee</b>	Vote of the court	No	60%	–
<b>Texas</b>	Statewide election	No	20-25%	–



Table 5.2 – Selection, Administrative Duties, and Responsibilities of the Chief Justice (continued)

<b>State</b>	<b>Selection of chief justice</b>	<b>Chief justice writes fewer opinions because of administrative duties</b>	<b>Percentage of time chief justice spends on administrative tasks (estimate)</b>	<b>Special responsibilities of chief justice</b>
<b>Utah</b>	Elected by members of the court for a four-year term	No	33%	Serves as chair of the Judicial Council, which is governing body for the state court system.
<b>Vermont</b>	Governor appointments	Yes <sup>10</sup>	20%	Chief justice is Trustee of State Library; member of Judicial council; member of Commission for Constitutional Amendments; names Board of Geographic Society.
<b>Virginia</b>	Seniority	Yes	33%	Chief justice makes final decisions and determines policy; president of Judicial Conference of Courts of Record, the Judicial Conference of Courts Not of Record, and Chairman of the Judicial Council.
<b>Washington</b>	Elected by members of the court for a four-year term	Yes	20%	The court is divided into two departments. The chief justice sits with both. Except in emergencies, he hears all petitions for writs of certiorari, mandamus, and prohibition. He is chairman of the Judicial Council, directs or supervises the administrative work of the court, including setting the calendar, passing on motions for continuances or extensions of time, additional time for argument, granting authority to depart from rules, such as permission to file typewritten briefs; replying to correspondence addressed to the court; budget and housekeeping chores.
<b>West Virginia</b>	Annually rotating basis	No	10-15%	The chief justice is the administrative head of the court; and has generally the same duties as the other justices. The chief justice is responsible for presenting the court's budget to the legislature during its annual session.
<b>Wisconsin</b>	Seniority	No	25-30%	The chief justice is the administrator of the statewide judicial system.
<b>Wyoming</b>	Elected to a two-year term by members of the court	No	25%	–

Table 5.2 – Selection, Administrative Duties, and Responsibilities of the Chief Justice (continued)

State	Selection of chief justice	Chief justice writes fewer opinions because of administrative duties	Percentage of time chief justice spends on administrative tasks (estimate)	Special responsibilities of chief justice
<b>Federal</b> U.S. Supreme Court	By President, with advice of counsel and Senate	No	NA	Numerous administrative responsibilities that extend beyond his judicial functions: e.g., membership on Board of Regents of the Smithsonian Institution. He is in charge of running the court.
U.S. Courts of Appeals Second Circuit	The most senior active judge under the age of 65 that accepts the post	Yes	–	–
Fifth Circuit	By statute	No	25-30%	Head of Judicial Council of Fifth Circuit.
Sixth Circuit	By seniority	Yes	40%	The chief justice is the administrator of the statewide judicial system.
U.S. Court of Veterans Appeals	By seniority	No	10%	Budget submission to Congress.

Note: See Tables 5.4 and 5.5 for more information on selection and terms of appellate court judges.

**Endnotes**

<sup>1</sup> The chief justice decides what, if any, opinion-writing reduction to take (by scheduling self on fewer calendars each month).

<sup>2</sup> The chief justice is not assigned discretionary or interlocutory applications but votes on all of these.

<sup>3</sup> The chief justice has the option of workload/opinion-writing reduction, but may choose not to exercise it.

<sup>4</sup> Chief justice has 50 percent reduction in opinion writing.

<sup>5</sup> The chief justice is relieved from writing one-fourth of the opinions that otherwise would have fallen on him.

<sup>6</sup> The chief justice may choose to reduce his or her opinion-writing workload.

<sup>7</sup> The chief justice has a one-third reduction in opinion writing and workload to compensate for administrative duties.

<sup>8</sup> Chief justice opinion workload levels set by chief justice at her discretion.

<sup>9</sup> The percentage of time the chief justice spends on administrative tasks can be more or less than 50 percent because the chief justice is presiding judge of this court and head of the state's unified court system.

<sup>10</sup> The chief justice has a slight reduction in motions' disposition.

**Table 5.3 – Qualifications to Serve as an Appellate Court Judge**

State/Court	Local residency	State residency	Minimum age	Maximum age	Legal credentials
<b>Alabama</b>					
Supreme Court	None stated	None stated	None stated	70	Licensed attorney
Court of Criminal Appeals	None stated	None stated	None stated	70	Licensed attorney
Court of Civil Appeals	Yes	None stated	None stated	70	Licensed attorney
<b>Alaska</b>					
Supreme Court	None stated	5 years	None stated	70	8 years practice
Court of Appeals	None stated	5 years	None stated	70	8 years practice
<b>Arizona</b>					
Supreme Court	None stated	10 years	30	70	10 years state bar
Court of Appeals	Yes	5 years	30	70	5 years state bar
<b>Arkansas</b>					
Supreme Court	None stated	2 years	30	None stated	8 years practice
Court of Appeals	Yes	2 years	30	None stated	8 years practice
<b>California</b>					
Supreme Court	None stated	None stated	None stated	None stated	10 years state bar
Courts of Appeal	None stated	None stated	None stated	None stated	10 years state bar
<b>Colorado</b>					
Supreme Court	None stated	Yes	None stated	None stated	5 years state bar
Court of Appeals	None stated	Yes	None stated	None stated	5 years state bar
<b>Connecticut</b>					
Supreme Court	No	Yes	18	70	10 years state bar
Appellate Court	No	Yes	18	70	10 years state bar
<b>Delaware</b>					
Supreme Court	No	Yes	None stated	None stated	'Learned in the law'
<b>District of Columbia</b>					
Court of Appeals	90 days	District	None stated	74	5 years state bar
<b>Florida</b>					
Supreme Court	– <sup>1</sup>	Yes	None stated	70	10 years state bar
District Courts of Appeal	– <sup>1</sup>	Yes <sup>2</sup>	None stated	70	10 years state bar
<b>Georgia</b>					
Supreme Court	None stated	Yes	None stated	None stated <sup>3</sup>	7 years state bar
Court of Appeals	None stated	Yes	None stated	None stated <sup>3</sup>	7 years state bar
<b>Hawaii</b>					
Supreme Court	None stated	Yes	None stated	70	10 years state bar
Intermediate Court of Appeals	None stated	Yes	None stated	70	10 years state bar
<b>Idaho</b>					
Supreme Court	None stated	2 years	30	None stated	10 years state bar
Court of Appeals	None stated	2 years	30	None stated	10 years state bar
<b>Illinois</b>					
Supreme Court	Yes	Yes	None stated	75	Licensed attorney
Appellate Court	Yes	Yes	None stated	75	Licensed attorney
<b>Indiana</b>					
Supreme Court	None stated	None stated	None stated	75	10 years state bar <sup>4</sup>
Court of Appeals	Yes	None stated	None stated	75	10 years state bar <sup>4</sup>
Tax Court	None stated	Yes	None stated	None stated	5 years state bar
<b>Iowa</b>					
Supreme Court	None stated	None stated	None stated	72	Licensed attorney
Court of Appeals	None stated	None stated	None stated	72	Licensed attorney

Table 5.3 – Qualifications to Serve as an Appellate Court Judge (continued)

State/Court	Local residency	State residency	Minimum age	Maximum age	Legal credentials
<b>Kansas</b>					
Supreme Court	None stated	None stated	30	70 <sup>5</sup>	10 years active and continuous practice <sup>6</sup>
Court of Appeals	None stated	None stated	30	70 <sup>5</sup>	10 years active and continuous practice <sup>6</sup>
<b>Kentucky</b>					
Supreme Court	2 years	2 years	None stated	None stated	8 years state bar/licensed attorney
Court of Appeals	2 years	2 years	None stated	None stated	8 years state bar/licensed attorney
<b>Louisiana</b>					
Supreme Courts	2 years	2 years	None stated	70	5 years state bar
Courts of Appeal	2 years	2 years	None stated	70	5 years state bar
<b>Maine</b>					
Supreme Judicial Court	None stated	None stated	None stated	None stated	“Learned in law”
<b>Maryland</b>					
Court of Appeals	6 months	5 years	30	70	State bar member
Court of Special Appeals	6 months	5 years	30	70	State bar member
<b>Massachusetts</b>					
Supreme Judicial Court	None stated	None stated	None stated	70	None stated
Appeals Court	None stated	None stated	None stated	70	None stated
<b>Michigan</b>					
Supreme Court	None stated	None stated	None stated	70	State bar member, practice at least 5 years
Court of Appeals	None stated	None stated	None stated	70	State bar member
<b>Minnesota</b>					
Supreme Court	None stated	None stated	None stated	70	State bar member
Court of Appeals	Varies	None stated	None stated	70	State bar member
<b>Mississippi</b>					
Supreme Court	None stated	5 years	30	None stated	5 years state bar
Court of Appeals					
<b>Missouri</b>					
Supreme Court	None stated	State voter for 9 years	30	70	State bar member
Court of Appeals	Yes	State voter for 9 years	30	70	State bar member
<b>Montana</b>					
Supreme Court	None stated	2 years	None stated	None stated	5 years state bar
<b>Nebraska</b>					
Supreme Court	Yes	3 years	30	None stated	5 years practice
Court of Appeals	Yes	None stated	30	None stated	5 years practice
<b>Nevada</b>					
Supreme Court	None stated	2 years	25	None stated	State bar member
<b>New Hampshire</b>					
Supreme Court	None stated	None stated	None stated	70	None stated
<b>New Jersey</b>					
Supreme Court	None stated	None stated	None stated	70	10 years state bar
Superior Court, Appellate Division	None stated	None stated	None stated	70	10 years state bar
<b>New Mexico</b>					
Supreme Court	None stated	3 years	35	None stated	10 years active practice and/or judgeship in any court of the state
Court of Appeals	None stated	3 years	35	None stated	10 years active practice and/or judgeship in any court of the state

Table 5.3 – Qualifications to Serve as an Appellate Court Judge (continued)

State/Court	Local residency	State residency	Minimum age	Maximum age	Legal credentials
<b>New York</b>					
Court of Appeals	None stated	Yes	None stated	70	10 years state bar
Supreme Court, Appellate Divisions	Yes, for presiding judge	Yes	18	70	10 years state bar
<b>North Carolina</b>					
Supreme Court	None stated	None stated	None stated	72	State bar member
Court of Appeals	None stated	None stated	None stated	72	State bar member
<b>North Dakota</b>					
Supreme Court	None stated	Yes	None stated	None stated	License to practice law
Court of Appeals	None stated	None stated	None stated	None stated	License to practice law
<b>Ohio</b>					
Supreme Court	No	Yes	None stated	70	6 years practice
Courts of Appeals	District	None stated	None stated	70	6 years practice
<b>Oklahoma</b>					
Supreme Court	1 year	None stated	30	None stated	5 years state bar
Court of Criminal Appeals	1 year	None stated	30	None stated	5 years state bar
Court of Civil Appeals	— <sup>7</sup>	None stated	None stated	None stated	— <sup>8</sup>
<b>Oregon</b>					
Supreme Court	None stated	3 years	None stated	75	State bar member
Court of Appeals	None stated	3 years	None stated	75	State bar member
<b>Pennsylvania</b>					
Supreme Court	No	1 year	None stated	70	State bar member
Superior Court	No	1 year	None stated	70	State bar member
Commonwealth Court	No	1 year	None stated	70	State bar member
<b>Puerto Rico</b>					
Supreme Court	None stated	5 years	None stated	70	10 years state bar
<b>Rhode Island</b>					
Supreme Court	None stated	None stated	21	None stated	None stated
<b>South Carolina</b>					
Supreme Court	None stated	5 years	32	72	8 years state bar
Court of Appeals	None stated	5 years	32	72	8 years state bar
<b>South Dakota</b>					
Supreme Court	Yes	Yes	None stated	70	State bar member
<b>Tennessee</b>					
Supreme Court	Yes <sup>9</sup>	5 years	35	None stated	Qualified to practice law
Court of Appeals	Yes <sup>a</sup>	5 years	30	None stated	Qualified to practice law
Court of Criminal Appeals	Yes <sup>10</sup>	5 years	30	None stated	Qualified to practice law
<b>Texas</b>					
Supreme Court	None stated	None stated	35	75	— <sup>11</sup>
Court of Criminal Appeals	None stated	None stated	35	75	— <sup>11</sup>
Courts of Appeals	None stated	None stated	35	75	— <sup>11</sup>
<b>Utah</b>					
Supreme Court	None stated	5 years	30	75 <sup>12</sup>	State bar member
Court of Appeals	None stated	3 years	25	75 <sup>12</sup>	State bar member
<b>Vermont</b>					
Supreme Court	None stated	5 years	None stated	70	5 years state bar
<b>Virginia</b>					
Supreme Court	None stated	None stated	None stated	70 <sup>13</sup>	5 years state bar
Court of Appeals	None stated	None stated	None stated	70 <sup>14</sup>	5 years state bar

Table 5.3 – Qualifications to Serve as an Appellate Court Judge (continued)

State/Court	Local residency	State residency	Minimum age	Maximum age	Legal credentials
<b>Washington</b>					
Supreme Court	1 year	1 year	None stated	75	5 years state bar
Courts of Appeals	1 year	1 year	None stated	75	5 years state bar
<b>West Virginia</b>					
Supreme Court	None stated	5 years	30	None stated	10 years state bar
<b>Wisconsin</b>					
Supreme Court	10 days	10 days	None stated	None stated	5 years state bar
Court of Appeals	10 days	10 days	None stated	None stated	5 years state bar
<b>Wyoming</b>					
Supreme Court	None stated	3 years	30	70	9 years state bar
<b>Federal</b>					
U.S. Supreme Court	None stated	None stated	None stated	None stated	None stated
U.S. Courts of Appeals	— <sup>15</sup>	None stated	None stated	None stated	None stated
U.S. Court of Veterans Appeals	NA	NA	NA	NA	State or federal bar

**Endnotes**

<sup>1</sup> Initial appointment: must be resident of district at the time of original appointment.  
<sup>2</sup> Must reside within the territorial jurisdiction of the court.  
<sup>3</sup> There is a maximum retirement age in order to be eligible for certain benefits.  
<sup>4</sup> In the supreme court and court of appeals, 5 years' service as a general jurisdiction judge may be substituted.  
<sup>5</sup> May complete term in which age 70 is attained.  
<sup>6</sup> Relevant legal experience, such as being a member of a law faculty or sitting as a judge, may qualify under the 10-year requirement.  
<sup>7</sup> Must be a qualified elector in district.  
<sup>8</sup> Appellate judges must be member of the state bar and have at least 4 years' experience as a practicing attorney or as judge of a court of record.

<sup>9</sup> One justice from each of three divisions and two seats at large.  
<sup>10</sup> Must reside in the grand division served.  
<sup>11</sup> Ten years as a lawyer or judge of a court of record may substitute for practice.  
<sup>12</sup> Judge permitted to finish term even if expiration of term occurs after 75.  
<sup>13</sup> Applies only to those justices elected or appointed to an original or subsequent term commencing after July 1, 1993.  
<sup>14</sup> Unless 'grandfathered.'  
<sup>15</sup> Circuit residency is required 28 U.S.C. § 44(e), except in D.C. Judges in the U.S. Court of Appeals for the federal circuit must reside within 50 miles of D.C.

**Table 5.4 – Selection of Appellate Court Judges**

<b>State/Court</b>	<b>Method of selection for unexpired term</b>	<b>Method of selection for full term</b>	<b>Method of retention</b>	<b>Geographic basis for selection</b>
<b>Alabama</b>				
Supreme Court	Gubernatorial appointment	Partisan election	Partisan election	Statewide
Court of Criminal Appeals	Gubernatorial appointment	Partisan election	Partisan election	Statewide
Court of Civil Appeals	Gubernatorial appointment	Partisan election	Partisan election	Statewide
<b>Alaska</b>				
Supreme Court	Same as full term	Gubernatorial appointment from judicial nominating commission	Retention election <sup>1</sup>	Statewide
Court of Appeals	Same as full term	Gubernatorial appointment from judicial nominating commission	Retention election <sup>1</sup>	Statewide
<b>Arizona</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	County/region within division
<b>Arkansas</b>				
Supreme Court	Gubernatorial appointment	Partisan election	Partisan election	Statewide
Court of Appeals	Gubernatorial appointment	Partisan election	Partisan election	District
<b>California</b>				
Supreme Court	Gubernatorial appointment	Unopposed retention election	Unopposed retention election	Statewide
Courts of Appeal	Gubernatorial appointment	Unopposed retention election	Retention election	District
<b>Colorado</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
<b>Connecticut</b>				
Supreme Court	Legislative appointment <sup>2</sup>	Legislative appointment <sup>2</sup>	Legislative reappointment <sup>2</sup>	Statewide
Appellate Court	Legislative appointment <sup>2</sup>	Legislative appointment <sup>2</sup>	Legislative reappointment <sup>2</sup>	Statewide
<b>Delaware</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission with consent of senate	Gubernatorial appointment from judicial nominating commission with consent of senate	Gubernatorial appointment from judicial nominating commission with consent of senate	Statewide
<b>District of Columbia</b>				
Court of Appeals	Presidential appointment from judicial nominating commission with senate confirmation	Presidential appointment from judicial nominating commission with senate confirmation	Judicial nominating commission or Presidential appointment with senate confirmation	District of Columbia

Table 5.4 – Selection of Appellate Court Judges (continued)

<b>State/Court</b>	<b>Method of selection for unexpired term</b>	<b>Method of selection for full term</b>	<b>Method of retention</b>	<b>Geographic basis for selection</b>
<b>Florida</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
District Courts of Appeal	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	District
<b>Georgia</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election	Statewide
<b>Hawaii</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission with consent of senate	Gubernatorial appointment from judicial nominating commission with consent of senate	Judicial nomination commission reappoints	Statewide
Intermediate Court of Appeals	Gubernatorial appointment from judicial nominating commission with consent of senate	Gubernatorial appointment from judicial nominating commission with consent of senate	Judicial nomination commission reappoints	Statewide
<b>Idaho</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election	Statewide
<b>Illinois</b>				
Supreme Court	Court selection	Partisan election	Retention election	District
Appellate Court	COLR selection	Partisan election	Retention election	District
<b>Indiana</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	District
Tax Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
<b>Iowa</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide



Table 5.4 – Selection of Appellate Court Judges (continued)

<b>State/Court</b>	<b>Method of selection for unexpired term</b>	<b>Method of selection for full term</b>	<b>Method of retention</b>	<b>Geographic basis for selection</b>
<b>Kansas</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
<b>Kentucky</b>				
Supreme Court	Nonpartisan election	Nonpartisan election	Nonpartisan election	District
Court of Appeals	Nonpartisan election	Nonpartisan election	Nonpartisan election	District
<b>Louisiana</b>				
Supreme Courts	Supreme Court selection <sup>3</sup>	Nonpartisan election	Nonpartisan election	District
Courts of Appeal	Supreme Court selection <sup>3</sup>	Nonpartisan election	Nonpartisan election	District
<b>Maine</b>				
Supreme Judicial Court	Gubernatorial appointment	Gubernatorial appointment	Gubernatorial reappointment	Statewide
<b>Maryland</b>				
Court of Appeals	Gubernatorial appointment from judicial nominating commission with consent of senate	Gubernatorial appointment from judicial nominating commission with consent of senate	Retention election	Circuit
Court of Special Appeals	Gubernatorial appointment from judicial nominating commission with consent of senate	Gubernatorial appointment from judicial nominating commission with consent of senate	Retention election	Circuit
<b>Massachusetts</b>				
Supreme Judicial Court	Same as full term	Gubernatorial appointment from judicial nominating commission with approval by Governor's council <sup>4</sup>	Same as full term	Statewide
Appeals Court	Same as full term	Gubernatorial appointment from judicial nominating commission with approval by Governor's council <sup>4</sup>	Same as full term	Statewide
<b>Michigan</b>				
Supreme Court	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	Statewide
Court of Appeals	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	District
<b>Minnesota</b>				
Supreme Court	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	Statewide
Court of Appeals	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	Statewide
<b>Mississippi</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election	District
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election	District

Table 5.4 – Selection of Appellate Court Judges (continued)

<b>State/Court</b>	<b>Method of selection for unexpired term</b>	<b>Method of selection for full term</b>	<b>Method of retention</b>	<b>Geographic basis for selection</b>
<b>Missouri</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	District
<b>Montana</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election (if unopposed, retention election)	Statewide
<b>Nebraska</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide: chief justices; district: associate justices
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	All by district
<b>Nevada</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election	Statewide
<b>New Hampshire</b>				
Supreme Court	Same as full term	Gubernatorial appointment with approval of elected executive council	–	Statewide
<b>New Jersey</b>				
Supreme Court	–	Gubernatorial appointment with consent of senate	Gubernatorial appointment with consent of senate	Statewide
Superior Court, Appellate Division	–	Chief Justice appointment of Superior court judge	Gubernatorial appointment with consent of senate	Statewide
<b>New Mexico</b>				
Supreme Court	Gubernatorial Appointment <sup>5</sup>	Partisan election	Nonpartisan retention election	Statewide
Court of Appeals	Gubernatorial appointment <sup>5</sup>	Partisan election	Nonpartisan retention election	Statewide
<b>New York</b>				
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	–	Statewide
Supreme Court, Appellate Divisions	Gubernatorial appointment	Gubernatorial appointment	Gubernatorial reappointment	Statewide
<b>North Carolina</b>				
Supreme Court	Gubernatorial appointment	Partisan election	Partisan election	Statewide
Court of Appeals	Gubernatorial appointment	Partisan election	Partisan election	Statewide
<b>North Dakota</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission or elections <sup>6</sup>	Nonpartisan election	Nonpartisan election	Statewide

Table 5.4 – Selection of Appellate Court Judges (continued)

<b>State/Court</b>	<b>Method of selection for unexpired term</b>	<b>Method of selection for full term</b>	<b>Method of retention</b>	<b>Geographic basis for selection</b>
<b>Ohio</b>				
Supreme Court	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	Statewide
Court of Appeals	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	Statewide
<b>Oklahoma</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Retention election	See full term	District
Court of Criminal Appeals	Gubernatorial appointment from judicial nominating commission	Retention election	See full term	District
Court of Civil Appeals	Gubernatorial appointment from judicial nominating commission	Retention election	See full term	District
<b>Oregon</b>				
Supreme Court	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	District
Court of Appeals	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	Statewide
<b>Pennsylvania</b>				
Supreme Court	Gubernatorial appointment with consent of senate	Partisan election	Retention election	Statewide
Superior Court	Gubernatorial appointment from judicial nominating commission with consent of senate	Partisan election	Retention election	Statewide
Commonwealth Court	Gubernatorial appointment from judicial nominating commission with consent of senate	Partisan election	Retention election	Statewide
<b>Rhode Island</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Life tenure	Life tenure	Statewide
<b>South Carolina</b>				
Supreme Court	Legislative election	Legislative election	Legislative election	Statewide
Court of Appeals	Legislative election, upon nomination by commission	Legislative election upon nomination by commission	Legislative reelection upon nomination by commission	Statewide
<b>South Dakota</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Retention election	Retention election	Initial District Retention-Statewide
<b>Tennessee</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Retention election	Nonpartisan election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Retention election	Nonpartisan election	Statewide
Court of Criminal Appeals	Gubernatorial appointment from judicial nominating commission	Retention election	Nonpartisan election	Statewide

Table 5.4 – Selection of Appellate Court Judges (continued)

State/Court	Method of selection for unexpired term	Method of selection for full term	Method of retention	Geographic basis for selection
<b>Texas</b>				
Supreme Court	Gubernatorial appointment	Partisan election	Partisan election	Statewide
Court of Criminal Appeals	Gubernatorial appointment	Partisan election	Partisan election	Statewide
Courts of Appeals	Gubernatorial appointment	Partisan election	Partisan election	District
<b>Utah</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission with consent of senate	Gubernatorial appointment from judicial nominating commission with consent of senate	Retention election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission with consent of senate	Gubernatorial appointment from judicial nominating commission with consent of senate	Retention election	Statewide
<b>Vermont</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission with consent of senate	Gubernatorial appointment from judicial nominating commission with consent of senate	Legislative election	Statewide
<b>Virginia</b>				
Supreme Court	Legislative appointment	Legislative appointment	Legislative appointment	Statewide
Court of Appeals	Legislative appointment	Legislative appointment	Legislative appointment	Statewide
<b>Washington</b>				
Supreme Court	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	Statewide
Courts of Appeals	Gubernatorial appointment	Nonpartisan election	Nonpartisan election	District
<b>West Virginia</b>				
Supreme Court of Appeals	Gubernatorial appointment <sup>7</sup>	Partisan election	Partisan election	District
<b>Wisconsin</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election	Statewide
Court of Appeals	Gubernatorial appointment from judicial nominating commission	Nonpartisan election	Nonpartisan election	District
<b>Wyoming</b>				
Supreme Court	Gubernatorial appointment from judicial nominating commission	Gubernatorial appointment from judicial nominating commission	Retention election	Statewide
<b>Federal</b>				
U.S. Supreme Court	Nominated and appointed by the President with the advice and consent of the Senate	Nominated and appointed by the President with the advice and consent of the Senate	–	United States
U.S. Courts of Appeals	Nominated and appointed by the President with the advice and consent of the Senate	Nominated and appointed by the President with the advice and consent of the Senate	–	Circuit

Table 5.4 – Selection of Appellate Court Judges (continued)

**Endnotes**

<sup>1</sup> Judge must run for retention election at the next general election, immediately following the third year from the time of initial appointment.

<sup>2</sup> Governor recommends from judicial nominating commission.

<sup>3</sup> Person selected by the supreme court is prohibited for running for that judgeship; election held within one year to serve remainder of term.

<sup>4</sup> The governor's council is made up of nine people elected by geographical area and presided over by the lieutenant governor.

<sup>5</sup> The governor shall select a candidate from a list submitted by the appellate judges' nominating commission created by the constitution.

<sup>6</sup> The governor may appoint from a list of names or call a special election at his discretion.

<sup>7</sup> Appointment effective only until the next election year; appointee must run for election to any remaining portion of the unexpired term.

**Table 5.5 – Terms of Appellate Court Judges**

State/Court	Length of term	Selection of chief justice/judge	Term of office for chief justice/judge	Chief justices/judges can succeed themselves
<b>Alabama</b>				
Supreme Court	6 years	Popular election	6 years	Yes
Court of Criminal Appeals	6 years	Court selection	Indefinite	Yes
Court of Civil Appeals	6 years	Seniority	Indefinite	Yes
<b>Alaska</b>				
Supreme Court	10 years	Court selection	3 years	No
Court of Appeals	8 years	Supreme court, chief justice appointment	2 years	Yes
<b>Arizona</b>				
Supreme Court	6 years	Court selection	5 years	Yes
Court of Appeals	6 years	Court selection	1 to 2 years	Yes
<b>Arkansas</b>				
Supreme Court	8 years	Popular election	8 years	Yes
Court of Appeals	8 years	Supreme court, chief justice appoints	4 years	Yes
<b>California</b>				
Supreme Court	12 years	Gubernatorial appointment	12 years	Yes
Courts of Appeal	12 years	Gubernatorial appointment	12 years	When reconfirmed
<b>Colorado</b>				
Supreme Court	10 years	Court selection	Indefinite	–
Court of Appeals	8 years	Supreme court, chief justice appoints	At pleasure	–
<b>Connecticut</b>				
Supreme Court	8 years	Legislative appointment	8 years	Yes
Appellate Court	8 years	Supreme court's chief justice appoints	Indefinite	–
<b>Delaware</b>				
Supreme Court	12 years	Gubernatorial appointment	12 years	Yes
<b>District of Columbia</b>				
Court of Appeals	15 years	Judicial nominating commission appointment	4 years	Yes
<b>Florida</b>				
Supreme Court	6 years	Court selection	2 years	–
District Courts of Appeal	6 years	Court selection	2 years	Yes
<b>Georgia</b>				
Supreme Court	6 years	Court selection	4 years	No
Court of Appeals	6 years	Rotate by seniority	2 years	Yes
<b>Hawaii</b>				
Supreme Court	10 years	Judicial Selection Commission nominates, governor appoints with consent of senate	10 years	Yes
Intermediate Court of Appeals	10 years	Judicial Selection Commission nominates, governor appoints with consent of senate	10 years	Yes

Table 5.5 – Terms of Appellate Court Judges (continued)

State/Court	Length of term	Selection of chief justice/judge	Term of office for chief justice/judge	Chief justices/judges can succeed themselves
<b>Idaho</b>				
Supreme Court	6 years	Court selection	4 years	–
Court of Appeals	6 years	Supreme court, Chief Justice appointment	2 years	Yes
<b>Illinois</b>				
Supreme Court	10 years	Court selection	3 years	–
Appellate Court	10 years	Court selection	1 year	–
<b>Indiana</b>				
Supreme Court	Initial=2 yrs Retention=10 yrs	Judicial nominating commission appointment	5 years	–
Court of Appeals	Initial=2 yrs Retention=10 yrs	Chief judge by full court selection	3 years	Yes
Tax Court	Initial=2 yrs Retention=10 yrs	Chief judge by full court selection	–	–
<b>Iowa</b>				
Supreme Court	8 years	Court selection	8 years or duration of term	Yes
Court of Appeals	6 years	Court selection	2 years	Yes
<b>Kansas</b>				
Supreme Court	6 years	Rotation by seniority	Indefinite	–
Court of Appeals	4 years	Supreme court appointment	Indefinite	Yes
<b>Kentucky</b>				
Supreme Court	8 years	Court selection	4 years	Yes
Court of Appeals	8 years	Court selection	4 years	Yes
<b>Louisiana</b>				
Supreme Courts	10 years	Seniority	Duration of service	–
Courts of Appeal	10 years	Seniority	Duration of service	–
<b>Maine</b>				
Supreme Judicial Court	7 years	Gubernatorial appointment	7 years	Yes
<b>Maryland</b>				
Court of Appeals	10 years	Gubernatorial appointment	Indefinite	Yes
Court of Special Appeals	10 years	Gubernatorial appointment	Indefinite	Yes
<b>Massachusetts</b>				
Supreme Judicial Court	Until age 70	Same as full term	Age 70	–
Appeals Court	Until age 70	Same as full term	Age 70	–
<b>Michigan</b>				
Supreme Court	8 years	Court selection	2 years	–
Court of Appeals	6 years	Appointed by supreme court	2 years	Yes
<b>Minnesota</b>				
Supreme Court	6 years	Popular election	6 years	Yes
Court of Appeals	6 years	Gubernatorial appointment	3 years	Yes

Table 5.5 – Terms of Appellate Court Judges (continued)

State/Court	Length of term	Selection of chief justice/judge	Term of office for chief justice/judge	Chief justices/judges can succeed themselves
<b>Mississippi</b>				
Supreme Court	8 years	Seniority	Duration of service	–
Court of Appeals				
<b>Missouri</b>				
Supreme Court	12 years	Court selection	2 years	Yes <sup>1</sup>
Court of Appeals	12 years	Court selection	2 years <sup>2</sup>	Yes
<b>Montana</b>				
Supreme Court	8 years	Popular election	8 years	Yes
<b>Nebraska</b>				
Supreme Court	More than 3 years for first election; every 6 years thereafter	Gubernatorial appointment from judicial nominating commission	Duration of service	–
Court of Appeals	More than 3 years for first election; every 6 years thereafter	IAC by majority vote; upon ratification of selection by Supreme Court	2 years as presiding	Yes
<b>Nevada</b>				
Supreme Court	6 years	Rotation	1-2 years	– <sup>3</sup>
<b>New Hampshire</b>				
Supreme Court	Until age 70	Gubernatorial appointment with approval of elected executive council	Until age 70	–
<b>New Jersey</b>				
Supreme Court	7 years, followed by tenure	Gubernatorial appointment with consent of senate	Duration of service	–
Superior Court, Appellate Division	7 years, followed by tenure	Supreme court, chief justice appointment	At pleasure	–
<b>New Mexico</b>				
Supreme Court	8 years	Court selection	2 years	Yes
Court of Appeals	8 years	Court selection	2 years	Yes
<b>New York</b>				
Court of Appeals	14 years	Gubernatorial appointment from judicial nominating commission	14 years	Yes
Supreme Court, Appellate Divisions	5 years or duration	Gubernatorial appointment from judicial screening commission	Duration of service	Yes
<b>North Carolina</b>				
Supreme Court	8 years	Popular election	8 years	–
Court of Appeals	8 years	Supreme court, chief justice appointment	At pleasure	–
<b>North Dakota</b>				
Supreme Court	10 years	Selection by the judges of the supreme and district courts	5 years or until term expires, whichever occurs first	Yes
<b>Ohio</b>				
Supreme Court	6 years	Popular election	6 years	Yes
Courts of Appeals	6 years	Varies	Varies	Varies



Table 5.5 – Terms of Appellate Court Judges (continued)

State/Court	Length of term	Selection of chief justice/judge	Term of office for chief justice/judge	Chief justices/judges can succeed themselves
<b>Oklahoma</b>				
Supreme Court	6 years	Court selection	2 years	–
Criminal Appeals	6 years	Court selection	2 years	Yes
Court of Civil Appeals	6 years	Court selection	1 year	Yes
<b>Oregon</b>				
Supreme Court	6 years	Court selection	6 years	Yes
<b>Pennsylvania</b>				
Supreme Court	10 years	Rotation by seniority	Duration of term	–
Superior Court	10 years	Court selection	5 years	No
Commonwealth Court	10 years	Court selection	5 years	No
<b>Rhode Island</b>				
Supreme Court	Life	Gubernatorial appointment from the judicial nominating commission	Life	–
<b>South Carolina</b>				
Supreme Court	10 years	Legislative election	10 years	Yes
Court of Appeals	6 years	Legislative election	6 years	Yes
<b>South Dakota</b>				
Supreme Court	8 years	Court selection	4 years	–
<b>Tennessee</b>				
Supreme Court	8 years	Court selection	Full term on split	–
Courts of Appeal	8 years	Court selection	1 term	Yes
Court of Criminal Appeals	8 years	Court selection	1 term	Yes
<b>Texas</b>				
Supreme Court	6 years	Partisan election	6 years	Yes
Court of Criminal Appeals	6 years	Partisan election	6 years	Yes
Courts of Appeals	6 years	Partisan election	6 years	Yes
<b>Utah</b>				
Supreme Court	Initial=3 yrs; Retention=10 yrs	Court selection	4 years	Yes
Court of Appeals	Initial=3 yrs; Retention=6 yrs	Court selection	2 years	Yes
<b>Vermont</b>				
Supreme Court	6 years	Gubernatorial appointment from judicial nominating commission with consent of senate	6 years	–
<b>Virginia</b>				
Supreme Court	12 years	Seniority	Indefinite	–
Court of Appeals	8 years	Court selection	4 years	Yes
<b>Washington</b>				
Supreme Court	6 years	Court selection	4 years	Yes
Courts of Appeals	6 years	Presiding chief judge by court selection; however, position rotates among the 3 divisions; chief judge by division judges	1 year for presiding judge and 2 years for chief judge	Not the presiding judge

Table 5.5 – Terms of Appellate Court Judges (continued)

State/Court	Length of term	Selection of chief justice/judge	Term of office for chief justice/judge	Chief justices/judges can succeed themselves
<b>West Virginia</b>				
Supreme Court	12 years	Rotation by seniority	1 year	–
<b>Wisconsin</b>				
Supreme Court	10 years	Seniority	Until declined	–
Court of Appeals	6 years	Supreme court appointment	3 years	Yes
<b>Wyoming</b>				
Supreme Court	8 years	Court selection	2 years	–
<b>Federal</b>				
U.S. Supreme Court	Life	Nominated and appointed by the President with advice and consent of Senate	Life	–
U.S. Courts of Appeals	Life	Seniority <sup>4</sup>	7 years or until age 70	No
U.S. Court of Veterans Appeals	15 years	Nominated and appointed by president with advice and consent of Senate	15 years	Yes

**Endnotes**

<sup>1</sup> Selection is typically rotated among the judges.

<sup>2</sup> Two years in western and southern districts; one year in eastern district.

<sup>3</sup> Not immediately; later, as part of rotation.

<sup>4</sup> The chief judge is the active circuit judge who is senior of those judges who (1) are 64 years or under, (2) have served for one or more years as a circuit judge, and (3) have not served previously as chief judge. Per 28 U.S.C. § 45(a).

**Table 5.6 – The Removal of Justices from Appellate Courts**

<b>State</b>	<b>Method of removing justices from COLR</b>	<b>Method of removing judges from IAC</b>
<b>Alabama</b>	A judge may be removed from office during his term by order of the court of judiciary, subject to appeal to the supreme court. <sup>1</sup>	A judge may be removed from office during his term by order of the court of judiciary, subject to appeal to the supreme court. <sup>1</sup>
<b>Alaska</b>	A judge may be removed from office during his term by impeachment or by the supreme court on recommendation of the Commission on Judicial Conduct.	A judge may be removed from office during his term by impeachment or by the supreme court on recommendation of the Commission on Judicial Conduct.
<b>Arizona</b>	The state senate may remove a justice from office during his term by impeachment or the supreme court may remove upon recommendation of the Commission on Judicial Conduct.	A judge may be removed from office during his term by impeachment or upon recommendation of the Judicial Conduct Commission and order of the supreme court.
<b>Arkansas</b>	By motion.	–
<b>California</b>	A judge may be removed from office by impeachment or recommendation of the Commission on Judicial Performance and order of the supreme court.	A judge may be removed from office by impeachment or recommendation of the Commission on Judicial Performance and order of the supreme court; or failure to receive 50% of the votes cast in a retention election.
<b>Colorado</b>	Recommendation of the judicial qualification commission and order of the supreme court may remove a judge from office during his term.	Recommendation of the Commission on Judicial Discipline and order of the supreme court may remove a judge from office during his term.
<b>Connecticut</b>	A judge may be removed from office during his term by impeachment.	A judge may be removed from office during his term by impeachment.
<b>Delaware</b>	Removal by court on the judiciary.	No IAC.
<b>District of Columbia</b>	A judge may be removed from office during his term upon filing by the DC Commission on Judicial Disabilities and Tenure or an order.	No IAC.
<b>Florida</b>	A justice may be removed by impeachment or by the court (special panel) on recommendation of the Judicial Qualifications Commission.	A judge may be removed by impeachment upon recommendation of the Judicial Qualifications Commission and by order of the supreme court.
<b>Georgia</b>	A judge may be removed from office during his term by recommendation of the judicial qualifications commission and order of the supreme court.	A judge may be removed from office during his term by recommendation of the judicial qualifications commission and order of the supreme court.
<b>Hawaii</b>	A judge may be removed from office during his term by the supreme court upon recommendation from the Commission on Judicial Conduct.	A judge may be removed from office during his term by the supreme court upon recommendation from the Commission on Judicial Conduct.
<b>Idaho</b>	A judge may be removed from office during his term by recommendation of judicial qualifications commission and approval of the supreme court.	A judge may be removed from office during his term by recommendation of judicial qualifications commission and approval of the supreme court.
<b>Illinois</b>	A judge may be removed from office during his term by the Illinois Court Commission.	A judge may be removed from office during his term by the Illinois Courts Commission.

Table 5.6 – The Removal of Justices from Appellate Courts (continued)

<b>State</b>	<b>Method of removing justices from the COLR</b>	<b>Method of removing judges from IAC</b>
<b>Indiana</b>	A judge may be removed by the supreme court.	A judge may be removed by supreme court or by recommendation of Judicial Qualifications Committee.
<b>Iowa</b>	A justice may be removed from office during his term by impeachment or by recommendation of the Judicial Qualifications Commission and order of the supreme court.	A justice may be removed from office during his term by impeachment or by recommendation of the Judicial Qualifications Commission and order of the supreme court.
<b>Kansas</b>	A justice may be removed from office during his term by impeachment.	A justice may be removed from office during his term by impeachment.
<b>Kentucky</b>	A justice may be retired for disability or suspended without pay or removed for good cause by the Retirement and Removal Commission.	A justice may be retired for disability or suspended without pay or removed for good cause by the Retirement and Removal Commission.
<b>Louisiana</b>	A justice is removed by complaint to Judicial Commission which is reported to the COLR.	The Judiciary Commission is charged with receiving and investigating complaints concerning misconduct or the disability of a judge.
<b>Maine</b>	A justice may be removed from office during his term by impeachment.	No IAC.
<b>Maryland</b>	A judge may be removed from office during his term upon the recommendation of qualifications commission and order of court of appeals.	A judge may be removed from office during his term upon the recommendation of qualifications commission and order of court of appeals. <sup>2</sup>
<b>Massachusetts</b>	A judge may be removed by impeachment.	A judge may be removed by impeachment.
<b>Michigan</b>	A judge may be removed from office by impeachment and recommendation of Judicial Qualifications Commission.	A judge may be removed from office by impeachment and recommendation of Judicial Qualifications Commission.
<b>Minnesota</b>	A judge may be removed from office by impeachment, by supreme court upon recommendation of Commission, or by recall election.	A judge may be removed from office by impeachment, by supreme court upon recommendation of Commission, or by recall election.
<b>Mississippi</b>	A judge may be removed from office by impeachment.	A judge may be removed from office by impeachment.
<b>Missouri</b>	A judge may be removed from office by impeachment or recommendation of Judicial qualifications commission and confirmed by the supreme court.	A judge may be removed from office by impeachment or recommendation of Judicial qualifications commission and order of supreme court.
<b>Montana</b>	A judge may be removed from office by impeachment.	No IAC.
<b>Nebraska</b>	A judge may be removed from office by recommendation of Judicial Qualifications Commission.	A judge may be removed from office by recommendation of Judicial Qualifications commission.
<b>Nevada</b>	A judge may be removed from his office by impeachment.	No IAC.

Table 5.6 – The Removal of Justices from Appellate Courts (continued)

<b>State</b>	<b>Method of removing justices from the COLR</b>	<b>Method of removing judges from IAC</b>
<b>New Hampshire</b>	A justice may be disciplined, including suspension by the Judicial Conduct Committee. A judge may also be impeached or removed by address.	No IAC.
<b>New Jersey</b>	A judge may be removed by impeachment.	A judge may be removed by impeachment or statutory removal proceedings on filing of complaint with the supreme court.
<b>New Mexico</b>	A judge may be removed from office during his term upon recommendation by Judicial Standards Commission of the Supreme Court.	A judge may be removed from office during his term upon recommendation by Judicial Standards Commission of the supreme court.
<b>New York</b>	A judge may be removed from office during his term by impeachment, concurrent resolution of both houses of the legislature or after investigation and determination by the Commission on Judicial Conduct. The Commission's determinations are subject to full review in the court of appeals.	A judge may be removed from office during his term by impeachment, concurrent resolution of both houses of the legislature or after investigation and determination by the Commission on Judicial Conduct. The Commission's determinations are subject to full appellate review in the court of appeals.
<b>North Carolina</b>	A judge may be removed from office during his term by recommendation of judicial standards commission.	A judge may be removed from office during his term by recommendation of judicial standards commission and order of state's supreme court.
<b>North Dakota</b>	A judge may be removed from office during his term by impeachment or may be removed as provided by law.	No IAC.
<b>Ohio</b>	A justice may be removed from office pursuant to the procedures of the Supreme Court Rules for the Government of the Judiciary	–
<b>Oklahoma</b>	A judge may be removed from office during his term by impeachment or by order of the state's court on the judiciary.	A judge may be removed from office during his term by impeachment or by order of the state's court on the judiciary.
<b>Oregon</b>	A judge may be removed from office during his term by recommendation of the Judicial Fitness Commission and Order of the supreme court.	A judge may be removed from office during his term by recommendation of the Judicial Fitness Commission and Order of the supreme court.
<b>Pennsylvania</b>	A justice or judge may be removed by impeachment.	A justice or judge may be removed by impeachment.
<b>Rhode Island</b>	A judge may be removed from office by impeachment or recommendation of the Judicial Qualifications Commission.	No IAC.
<b>South Carolina</b>	A judge may be removed from office during his term by impeachment.	A judge may be removed from office during his term by impeachment.
<b>South Dakota</b>	A justice may be removed from office during his term by impeachment or recommendation of the Judicial Qualifications Commission upon approval of supreme court.	No IAC.

Table 5.6 – The Removal of Justices from Appellate Courts (continued)

State	Method of removing justices from the COLR	Method of removing judges from IAC
<b>Tennessee</b>	A judge may be removed from office by impeachment and recommendation of the court of the judiciary.	A judge may be removed from office by impeachment and recommendation of the court of the judiciary.
<b>Texas</b>	A judge may be removed from office during his term by impeachment.	A judge may be removed from office during his term by impeachment.
<b>Utah</b>	A judge may be removed from office during his term by recommendation of judicial conduct commission, approved by the supreme court.	A judge may be removed from office during his term by recommendation of judicial conduct commission, approved by the supreme court.
<b>Vermont</b>	A judge may be removed from office during his term by impeachment or suspended for the remainder of his term by the court.	No IAC.
<b>Virginia</b>	A judge may be removed from office during his term by complaint filed by the Judicial Inquiry and Review Commission and order of the Supreme Court of Virginia.	A judge may be removed from office during his term by recommendation of judicial qualifications commission and order of the Supreme Court of Virginia.
<b>Washington</b>	A judge may be removed from office by impeachment, or by appropriate action under Article IV, section 31 of the state constitution.	A judge may be removed from office by impeachment, or by appropriate action under Article IV, section 31 of the state constitution.
<b>West Virginia</b>	A justice may be removed from office by impeachment or temporarily suspended or retired, if eligible, by concurrence of the other four justices.	No IAC.
<b>Wisconsin</b>	A judge may be removed from office during his term by address of both houses of the legislature if 2/3 of all members elected to each house concur therein.	A judge may be removed from office during his term by address of both houses of the legislature if 2/3 of all members elected to each house concur therein.
<b>Wyoming</b>	A justice may be removed from office by impeachment or recommendation of judicial supervisory commission and action of supreme court.	No IAC.
<b>Federal</b>		
U.S. Supreme Court	A justice may be removed by impeachment by Congress.	Not applicable.
U.S. Courts of Appeals	Not applicable.	A judge may be removed by impeachment by Congress.
U.S. Air Force Court of Criminal Appeals	Not applicable.	May be removed only by the Judge Advocate General of the Air Force.
U.S. Army Court of Criminal Appeals	Not applicable.	May be removed only by the Judge Advocate General of the Army.
U.S. Court of Veterans Appeals	Not applicable.	A judge may be removed only by the President.

**Endnotes**

<sup>1</sup> Statute provides for impeachment proceedings provided no case against that judge is pending before the Court of the Judiciary.  
<sup>2</sup> There are six to seven methods that may be employed to remove

a judge from office. However, the usual method for the court of appeals to remove a judge is upon recommendation of the Commission on Judicial Disabilities.

**Table 5.7 – The Use of Senior Judges in Appellate Courts**

<b>State/Court</b>	<b>Court uses senior judges</b>	<b>Approximate percentage of full-time equivalents</b>	<b>Senior judges write opinions</b>	<b>Senior judges use law clerks</b>
<b>Alabama</b>				
Supreme Court	Not applicable	Not applicable	Not applicable	Not applicable
Court of Criminal Appeals	Yes	20%	Yes	Yes
Court of Civil Appeals	Yes	3 judges full-time	Yes	Yes
<b>Alaska</b>				
Supreme court	Yes	Varies but low	Yes	Yes
Court of Appeals	Yes	Varies but low	Yes	Yes
<b>Arizona</b>				
Supreme Court	No, but could call retired judges	Not applicable	Not applicable	Not applicable
Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>Arkansas</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>California</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Courts of Appeal	No	Not applicable	Not applicable	Not applicable
<b>Colorado</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	Yes	–	Yes	No
<b>Connecticut</b>				
Supreme Court	Yes	<1%	Yes	Yes
Court of Appeals	Yes	<1%	Yes	Yes
<b>Delaware</b>				
Supreme Court	No, may use retired supreme court judges	5%	No	No
<b>District of Columbia</b>				
Court of Appeals	Yes	2%	Yes	Yes
<b>Florida</b>				
Supreme Court	Rarely	Not applicable	Not applicable	Not applicable
1st District Court of Appeal	Yes	6%	Yes	Yes
2nd District Court of Appeal	–	–	–	–
3rd District Court of Appeal	Yes	8%	Yes	Yes
4th District Court of Appeal	Yes	Not applicable	Yes	Yes
5th District Court of Appeal	Yes	–	Yes	Yes
<b>Georgia</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	Yes	–	Yes	Yes
<b>Hawaii</b>				
Supreme Court	Yes, but seldom	Not applicable	Not applicable	Not applicable
Intermediate Court of Appeals	Yes, but seldom	Not applicable	Not applicable	Not applicable

Table 5.7 – The Use of Senior Judges in Appellate Courts (continued)

State/Court	Court uses senior judges	Approximate percentage of full-time equivalents	Senior judges write opinions	Senior judges use law clerks
<b>Idaho</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>Illinois</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Appellate Court	No	Not applicable	Not applicable	Not applicable
<b>Indiana</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>Iowa</b>				
Supreme Court	Yes	8%	Yes	Yes
Court of Appeals	Yes	8%	Yes	Yes
<b>Kansas</b>				
Supreme Court	Yes	3%	Yes	Central staff
Court of Appeals	Yes	–	Yes	Central staff
<b>Kentucky</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>Louisiana</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Courts of Appeal	No	Not applicable	Not applicable	Not applicable
<b>Maine</b>				
Supreme Judicial Court	Active retired justices	Active retired justices are usually assigned to do trial level work	–	–
<b>Maryland</b>				
Court of Appeals	–	–	–	–
Court of Special Appeals	No, retired judges	–	Yes	Staff attorneys
<b>Massachusetts</b>				
Supreme Judicial Court	No	Not applicable	Not applicable	Not applicable
Appeals Court	“Recall judges”	20%	Yes	Yes
<b>Michigan</b>				
Supreme Court	–	–	–	–
Court of Appeals	No, use retired judges	Not applicable	Not applicable	Not applicable
<b>Minnesota</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	Yes	3%	Yes	Yes
<b>Mississippi</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>Missouri</b>				
Supreme Court	Yes	<2%	Rarely	Yes
Court of Appeals	–	–	–	–



Table 5.7 – The Use of Senior Judges in Appellate Courts (continued)

State/Court	Court uses senior judges	Approximate percentage of full-time equivalents	Senior judges write opinions	Senior judges use law clerks
<b>Montana</b> Supreme Court	No	Not applicable	Not applicable	Not applicable
<b>Nebraska</b> Supreme Court	Yes, retired	1%	No	No
<b>Nevada</b> Supreme Court	Yes	0	Yes	No
<b>New Hampshire</b> Supreme Court	Yes, retired	<2%	Yes	Yes
<b>New Jersey</b> Supreme Court	Yes	– <sup>1</sup>	Yes	Yes
Superior Court, Appellate Division	Yes	– <sup>1</sup>	Yes	Yes
<b>New Mexico</b> Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>New York</b> Court of Appeals	No	Not applicable	Not applicable	Not applicable
Supreme Court, Appellate Divisions				
First and Second Departments	No	Not applicable	Not applicable	Not applicable
Third Department	No	Not applicable	Not applicable	Not applicable
Fourth Department	– <sup>2</sup>	– <sup>2</sup>	Yes	Yes
<b>North Carolina</b> Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>North Dakota</b> Supreme Court	Yes, surrogate	No data	No	No
<b>Ohio</b> Supreme Court	–	–	–	–
Courts of Appeals	No	Not applicable	Not applicable	Not applicable
<b>Oklahoma</b> Supreme Court	–	–	–	–
Court of Criminal Appeals	–	–	–	–
Court of Appeals	–	–	–	–
<b>Oregon</b> Supreme Court	Yes	<1%	Yes	Yes
Court of Appeals	Yes	<1%	Yes	Yes
<b>Pennsylvania</b> Supreme Court	Yes	No data	Yes	Yes
Superior Court	Yes	Equal	Yes	Yes
Commonwealth Court	Yes	–	Yes	Yes
<b>Rhode Island</b> Supreme Court	Yes, retired	10%	Yes	Yes

Table 5.7 – The Use of Senior Judges in Appellate Courts (continued)

State/Court	Court uses senior judges	Approximate percentage of full-time equivalents	Senior judges write opinions	Senior judges use law clerks
<b>South Carolina</b>				
Supreme Court	Yes	–	No	No
Court of Appeals	No	–	–	–
<b>South Dakota</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
<b>Tennessee</b>				
Supreme Court	Yes	6	Yes	Yes
Court of Appeals	Yes	6	Yes	Yes
Court of Criminal Appeals	Yes	6	Yes	Yes
<b>Texas</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Criminal Appeals	No	Not applicable	Not applicable	Not applicable
Courts of Appeals	Yes	7%	Yes	Yes
<b>Utah</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	Yes	<1%	Occasionally	Yes
<b>Vermont</b>				
Supreme Court	Yes, retired	10%	Occasionally	Yes
<b>Virginia</b>				
Supreme Court	Yes	–	Yes	Yes
Court of Appeals	Yes	25%	Yes	Staff attorney
<b>Washington</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Courts of Appeals	No	Not applicable	Not applicable	Not applicable
<b>West Virginia</b>				
Supreme Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>Wisconsin</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
Court of Appeals	No	Not applicable	Not applicable	Not applicable
<b>Wyoming</b>				
Supreme Court	No	Not applicable	Not applicable	Not applicable
<b>Federal</b>				
U.S. Supreme Court	No	Not applicable	Not applicable	Not applicable
U.S. Courts of Appeals				
Second Circuit	Yes	–	Yes	Yes
Third Circuit	Yes	–	Yes	Yes
Fourth Circuit	Yes	–	Yes	Yes
Fifth Circuit	Yes	–	Yes	Yes
Sixth Circuit	Yes	–	Yes	Yes
Eighth Circuit	Yes	–	Yes	Yes
Ninth Circuit	Yes	–	Yes	Yes

Table 5.7 – The Use of Senior Judges in Appellate Courts (continued)

State/Court	Court uses senior judges	Approximate percentage of full-time equivalents	Senior judges write opinions	Senior judges use law clerks
<b>Federal</b>				
Eleventh Circuit	Yes	–	Yes	Yes
U.S. Air Force Court of Criminal Appeals	Yes	Not applicable	Yes	Yes
U.S. Army Court of Criminal Appeals	No	Not applicable	Not applicable	Not applicable
U.S. Court of Veterans Appeals	No	Not applicable	Not applicable	Not applicable

**Endnotes**

<sup>1</sup> When used, recalled judges either sit for a single case or full-time for a fixed period that usually lasts no more than two weeks. Single-case recalls do not have law clerks.

<sup>2</sup> Once a supreme court judge reaches age 70, he or she may apply

for a two-year certification as a retired supreme court justice. Once so certified, the justice may be redesignated to the appellate division for two years and sit as a full-time appellate division justice.

**Table 5.8 – The Use of Trial Court Judges in Intermediate Appellate Courts**

<b>State</b>	<b>Do trial court judges ever sit on IACs?</b>	<b>When?</b>
<b>Alabama</b>	Yes	When a majority of the regular judges have refused.
<b>Alaska</b>	Yes	When one or more of the IAC judges recuses himself.
<b>California</b>	Yes	To reduce backlog.
<b>Colorado</b>	No	
<b>Connecticut</b>	Occasionally	On an as needed basis.
<b>Florida</b>	Yes	By invitation and by approval by the Chief Justice of the COLR. It is based on the desire of the trial judges and the workload of the IAC.
<b>Georgia</b>	Yes	When all judges on the court are recused or disqualified. This is rare.
<b>Hawaii</b>	Yes	When IAC judges are disqualified or unavailable.
<b>Idaho</b>	Yes	When needed, usually if a court of appeals judge is recused.
<b>Illinois</b>	Yes	Upon supreme court order.
<b>Indiana</b>	No	
<b>Iowa</b>	Yes	A retired trial court judge may sit on the appellate court as a senior judge.
<b>Kansas</b>	Yes	As assigned judges, usually as a member of a three-judge panel with two Court of Appeals judges.
<b>Kentucky</b>	No	
<b>Louisiana</b>	Yes	Vacancies, pro temp, or ad hoc.
<b>Maryland</b>	Yes	When invited by CJ of IAC and specially designated by CJ of Supreme Court pursuant to state constitution, statute, and rule.
<b>Massachusetts</b>	No	
<b>Michigan</b>	Yes	Temporary assignments.
<b>Minnesota</b>	Yes	Retired trial court judges.
<b>Nebraska</b>	No	–

Table 5.8 – The Use of Trial Court Judges in Intermediate Appellate Courts (continued)

State	Do trial court judges ever sit on IACs?	When?
<b>New Jersey</b>	Yes	As full-time temporary assignments only.
<b>New Mexico</b>	Yes	When designated by court.
<b>New York</b>	No	
<b>North Carolina</b>	No	
<b>Oregon</b>	No	
<b>Pennsylvania</b>	Yes	As senior judges when appointed by supreme court.
<b>South Carolina</b>	Yes	Appointment by chief justice.
<b>Tennessee</b>	Yes	By designation from the chief justice of the supreme court when there are conflicts on panel or overload of case schedule.
<b>Texas</b>	No	
<b>Utah</b>	No	
<b>Virginia</b>	Yes	Retired trial court judges sit with the court of appeals judge on each criminal petition panel.
<b>Washington</b>	Yes	As pro tems to assist court of appeals to hear extra cases, to replace judges who have been recused, or when there is a vacancy.
<b>Wisconsin</b>	Occasionally	In a Judicial Exchange Program, the Court of Appeals and one member of the trial courts participated in an exchange on a limited basis.
<b>Federal</b>		
U.S. Courts of Appeals		
2nd, 4th, 5th, and 6th Circuits	Yes	When designated by chief judge of circuit.
9th Circuit	Yes	Intermittently.
11th Circuit	Yes, as visiting judges	On oral judgment panels.
U.S. Air Force Court of Criminal Appeals	Yes	When appointed to the Court by the Judge Advocate General.
U.S. Army Court of Criminal Appeals	No	
U.S. Court of Veterans Appeals	Not applicable	

**Table 5.9 – Number and Selection of Appellate Court Clerks**

State/Court	Number of clerks	Method of selection	Term of office	Minimum qualifications
<b>Alabama</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
Court of Criminal Appeals	1	IAC appointment	At pleasure	None stated
Court of Civil Appeals	1	IAC appointment	At pleasure	None stated
<b>Alaska</b>				
Supreme Court	1	COLR appointment	At pleasure	Law degree, admittance to bar
Court of Appeals	(same as COLR)			
<b>Arizona</b>				
Supreme Court	1	COLR appointment	At pleasure	Law degree
Court of Appeals	2	IAC appointment	At pleasure	
<b>Arkansas</b>				
Supreme Court	1	COLR appointment	6 years	None stated
Court of Appeals	(same as COLR)			
<b>California</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
Courts of Appeal	6	IAC appointment	At pleasure	None stated
<b>Colorado</b>				
Supreme Court	1	COLR appointment	At pleasure	Law degree and judicial administration
Court of Appeals	1	IAC appointment	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 appointment	At pleasure	Law degree
Appellate Court	(same as COLR)			
<b>Delaware</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
<b>District of Columbia</b>				
Court of Appeals	1	Executive officer appointment subject to chief judge's approval	At pleasure	None stated
<b>Florida</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
District Courts of Appeal	5	IAC appointment	At pleasure	None stated
<b>Georgia</b>				
Supreme Court	1	COLR appointment	6 years	Court's practice is to appoint attorney
Court of Appeals	1 <sup>1</sup>	IAC appointment	at pleasure	Admittance to bar
<b>Hawaii</b>				
Supreme Court	1	COLR appointment	Civil service	High school
Intermediate Court of Appeals	(same as COLR)			
<b>Idaho</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
Court of Appeals	(same as COLR)			
<b>Illinois</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
Appellate Court	5	IAC appointment	At pleasure	None stated

Table 5.9 – Number and selection of appellate court clerks (continued)

State/Court	Number of clerks	Method of selection	Term of office	Minimum qualifications
<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 appointment	At pleasure	None stated
Court of Appeals	(same as COLR)			
<b>Kansas</b>				
Supreme Court	1	COLR appointment	2 years	None stated
Court of Appeals	(same as COLR)			
<b>Kentucky</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
Court of Appeals	2	IAC appointment	At pleasure	None stated
<b>Louisiana</b>				
Supreme Courts	1	COLR appointment	At pleasure	None stated
Courts of Appeal	5	IAC appointment	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 appointment	At pleasure	Admittance to bar
Court of Special Appeals	1	IAC appointment	At pleasure	Admittance to bar
<b>Massachusetts</b>				
Supreme Judicial Court	2 <sup>3</sup>	COLR appointment	5 years	None stated
Appeals Court	1	IAC appointment	5 years	None stated
<b>Michigan</b>				
Supreme Court	1	COLR appointment	At pleasure	Law degree, admittance to bar
Court of Appeals	1	IAC appointment	At pleasure	None stated
<b>Minnesota</b>				
Supreme Court	1	COLR, IAC appointment	At pleasure	None stated
Court of Appeals	(same as COLR)			
<b>Mississippi</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
Court of Appeals				
<b>Missouri</b>				
Supreme Court	1	COLR appointment	At pleasure	No <sup>4</sup>
Court of Appeals	3	IAC appointment	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 appointment	At pleasure	Admittance to bar
Court of Appeals	(same as COLR)			
<b>Nevada</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
<b>New Hampshire</b>				
Supreme Court	1	COLR appointment	At pleasure	Law degree, admittance to bar

Table 5.9 – Number and selection of appellate court clerks (continued)

State/Court	Number of clerks	Method of selection	Term of office	Minimum qualifications
<b>New Jersey</b>				
Supreme Court	1	COLR appointment	At pleasure	Law degree, admittance to bar
Superior Court, Appellate Division	1	COLR appointment	At pleasure	Law degree, admittance to bar
<b>New Mexico</b>				
Supreme Court	1	COLR appointment	At pleasure	Law degree, admittance to bar
Court of Appeals	1	IAC appointment	At pleasure	Law degree, admittance to bar
<b>New York</b>				
Court of Appeals	1	COLR appointment	At pleasure	Admission to the NYS Bar and 10 years' relevant legal experience
Supreme Court, Appellate Divisions	4	IAC appointment	At pleasure	Law degree, 10 years' state bar
<b>North Carolina</b>				
Supreme Court	1	COLR appointment	At pleasure	Law degree, law experience.
Court of Appeals	1	IAC appointment	At pleasure	None stated
<b>North Dakota</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
<b>Ohio</b>				
Supreme Court	1	COLR appointment	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 appointment	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 appointment	At pleasure	None stated
Court of Appeals	(same as COLR)			
<b>Pennsylvania</b>				
Supreme Court	1	COLR appointment	At pleasure	Lawyer
Superior Court	1	Presiding judge appointment	At pleasure	Lawyer
Commonwealth Court	1	Appointed by presiding judge	At pleasure	Law degree of relevant legal experience
<b>Puerto Rico</b>				
Supreme Court	1	COLR	At pleasure	Admittance to bar
Court of Appeals <sup>6</sup>	2	IAC	At pleasure	Admittance to bar
<b>Rhode Island</b>				
Supreme Court	1 (same as SCA)	Gubernatorial appointment	5 years	None stated
<b>South Carolina</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
Court of Appeals	1	IAC appointment	At pleasure	None stated
<b>South Dakota</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
<b>Tennessee</b>				
Supreme Court	1 <sup>7</sup>	COLR appointment	6 years	None stated
Court of Appeals	1 <sup>8</sup>			
Court of Criminal Appeals	1 <sup>8</sup>			



Table 5.9 – Number and selection of appellate court clerks (continued)

State/Court	Number of clerks	Method of selection	Term of office	Minimum qualifications
<b>Texas</b>				
Supreme Court	1	COLR appointment	4 years	None stated
Court of Criminal Appeals	1	COLR appointment	4 years	None stated
Courts of Appeals	14	IAC appointment	2 years	None stated
<b>Utah</b>				
Supreme Court	1	Appellate Court Administrator appoints w/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 w/approval of judges <sup>9</sup>	At pleasure	8 years of progressively responsible experience in court operation or bachelor degree plus 4 years' experience in court operation
<b>Vermont</b>				
Supreme Court	1 <sup>10</sup>	COLR appointment	At pleasure	None stated
<b>Virginia</b>				
Supreme Court	1	COLR appointment	At pleasure	None stated
Court of Appeals	1	IAC appointment	At pleasure	None stated
<b>Washington</b>				
Supreme Court	1	COLR appointment	At pleasure	Admittance to bar
Courts of Appeals	3	IAC appointment	At pleasure	None stated
<b>West Virginia</b>				
Supreme Court of Appeals	1	COLR appointment	At pleasure	None stated
<b>Wisconsin</b>				
Supreme Court	1	COLR appointment	At pleasure	College, 2 years' related experience
Court of Appeals	(same as COLR)			
<b>Wyoming</b>				
Supreme Court	1	COLR	At pleasure	None stated
<b>Federal</b>				
U.S. Supreme Court	1	COLR appointment	At pleasure	
U.S. Courts of Appeals	1 each	IAC appointment	At pleasure	None stated <sup>11</sup>

**Endnotes**

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

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

<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).

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

<sup>5</sup> Clerk of common pleas court is also clerk of the court of appeals.

<sup>6</sup> The Puerto Rican Court of Appeals was in operation from November 1992 to August 1993, when it was abolished by law. The 15 appellate judges will continue working on other judicial matters until the termination of their tenure (16 years).

<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, Nashville, and Jackson, serving the COLR and IAC in that region.

<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.

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

<sup>11</sup> See 28 U.S.C. § 711.

**Table 5.10 – Record-Keeping Procedures in Clerks’ Offices**

<b>State/Court</b>	<b>Type of register</b>	<b>How cases are indexed</b>	<b>Preparation of court orders other than opinions</b>	<b>Court’s retention policies</b>	<b>Method of notifying counsel of orders</b>
<b>Alabama</b>					
Supreme Court	Records are maintained in binders. Entries are made on computer and printed upon completion of case.	Indexes of pending cases are maintained on computer.	Prepared by clerk’s office.	According to retention schedule.	Counsel are notified by a copy of actual order.
Court of Criminal Appeals	Court has an automated docketing system.	By case number and parties’ names	Same as above.	Required to maintain procurement records.	Same as above.
Court of Civil Appeals	Same as above.	Same as above.	Same as above.	According to retention schedule.	Same as above.
<b>Alaska</b>					
Supreme Court; Court of Appeals	Has an automated case record and management system.	By name, case number, trial court number, party names on CMIS.	Prepared by clerk’s office.	Kept in paper for one year after closure and then microfilmed.	Copies of orders are mailed to parties. In expedited or emergency matters the clerk calls the parties and faxes copies of the orders also.
<b>Arizona</b>					
Supreme Court; Court of Appeals	Has an automated case record and management system. At Arizona Supreme Court the computer program is the docket.	Indexes of pending cases are maintained on the computer.	This is prepared by clerk’s office, chambers, or staff attorney’s office.	Administrative order 91-39.	Counsel are notified by mailing a copy of the actual order or by phone.
<b>Arkansas</b>					
Supreme Court; Court of Appeals	Court uses computer	By computer	This is prepared by clerk’s office.	Court rule on retention.	Counsel are notified of orders by copy of the actual order.
<b>California</b>					
Supreme Court	Since 2/87 all dockets are automated. No pending cases in docket books.	Maintained by computer.	Prepared by clerk’s offices in some districts and by central staff attorneys or judicial secretaries in others.	–	Counsel are notified of orders by copy of the actual order.
Courts of Appeal	A new court system has been installed in the 1st and 6th districts called Forecourt. The other four districts are still on Promis, but that should change in 1998.	Same as above.	Same as above.	–	Same as above.
<b>Colorado</b>					
Supreme Court; Court of Appeals	Register of Actions on automated case management system.	By direct name index, inverse name index, and issues on certiorari.	This is prepared by clerk’s office.	Original pleadings filed with court are stored at state archives. Record on appeal is returned to the trial court clerk.	Counsel is notified of orders by copy of the actual order and, in urgent matters, a telephone call and a copy of the order.

Table 5.10 – Record-Keeping Procedures in Clerks' Offices (continued)

<b>State/Court</b>	<b>Type of register</b>	<b>How cases are indexed</b>	<b>Preparation of court orders other than opinions</b>	<b>Court's retention policies</b>	<b>Method of notifying counsel of orders</b>
<b>Connecticut</b> Supreme Court; Appellate Court	–	–	Prepared by the appellate clerk.	–	Counsel are notified of orders by copy of the actual order.
<b>Delaware</b> Supreme Court	Court has an electronic docket.	Court has an electronic index.	Court orders and opinions are prepared by judges' secretaries.	Case retained at court for 10 years then sent to archives for microfilming.	Counsel are notified of orders by copy of the actual order.
<b>District of Columbia</b> Court of Appeals	Court has a computerized docket system.	Records are indexed by party name and lower court number.	Court orders, other than opinions, are prepared by the clerk's office, occasionally prepared by judges.	Docket information is retained permanently. All contents of the appellate file are microfiched and retained permanently. Hard copies are also retained permanently.	Counsel are notified of orders by copy of the actual order and by phone in emergencies as determined by the court.
<b>Florida</b> Supreme Court	Court has a computerized recordkeeping system including an index.	Records are indexed by case number, parties, and by lower tribunal case number.	Prepared by the clerk's office.	Cases with opinions are kept permanently. Cases with orders are destroyed after 5 years except disciplinary cases which are destroyed after 10 years.	Counsel is notified by copy of the actual order.
District Courts of Appeal					
First District	Same as above.	Records are indexed by parties, appellate case number, lower tribunal case number, and date filed.	Same as above.	Criminal appeals are kept for 10 years and civil appeals are kept 3 years after case becomes final.	Same as above.
Second District	Same as above.	Same as above.	Same as above.	Criminal appeals are kept for 7 years and civil are kept for 3 years after case becomes final.	Counsel are notified by copy of the actual order and by phone/fax in emergencies as determined by the court.
Third and Fifth Districts	Same as above.	Same as above.	Same as above.	Civil and criminal cases are retained for 3 years from final order of COLR.	Same as above.
<b>Georgia</b> Supreme Court	Since 1989, a computer docketing system is in operation.	Court uses computers.	Routine orders are prepared by the clerk's office.	Except in death penalty cases, original records are microfilmed and retained a set number of years, then destroyed. All records prior to 1992 are stored in the state archives.	Counsel are notified by a copy of the actual order.

Table 5.10 – Record-Keeping Procedures in Clerks’ Offices (continued)

State/Court	Type of register	How cases are indexed	Preparation of court orders other than opinions	Court’s retention policies	Method of notifying counsel of orders
<b>Georgia</b> Court of Appeals	–	–	Standard orders are prepared by clerk’s office and nonstandard orders are prepared by the court.	Record and transcript are held one year after remittitur date unless parties request a longer hold. Briefs, opinions, substantial motions, and orders held 20 years or until microfilmed.	Counsel are notified by a copy of the actual order.
<b>Hawaii</b> Supreme Court; Intermediate Court of Appeals	Court has a computer index.	Records are on a computer index.	Prepared by counsel, staff counsel, and chamber personnel.	Records are microfilmed.	Counsel notified by a telephone call and a copy of the order.
<b>Idaho</b> Supreme Court; Court of Appeals	By computer.	By computer.	Prepared by the clerk’s office or staff attorney.	Ten years from date of remittitur but have kept them all.	By a copy of the order.
<b>Illinois</b> Supreme Court	–	–	Prepared by clerk’s office.	All opinion cases are permanently retained. Denied petition for leave to appeal cases destroyed after microfilming and after one year from mandate issuance date.	Counsel notified by letter and when pertinent, a copy of the actual order. Phone calls placed when time is of the essence.
Appellate Court					
First District	Do not have registers.	Computerized data.	All orders are prepared by justices.	Supreme Court rule is 7 years.	Orders mailed.
Second District	All computerized.	All computerized.	Prepared by clerk’s office.	21 years.	Same as above.
Third District	Same as above.	Same as above.	Same as above.	Same as above.	Same as above.
Fourth District	–	–	–	Ten years by rule but may be longer.	By letter and when pertinent, a copy of the actual order.
Fifth District	All computerized.	All computerized.	Prepared by clerk’s office.	Record on appeal returned to trial court. Appellate court record consisting of notice of appeal, briefs, motions etc. are retained at least 2 years and until permission is granted by court to destroy records.	Both letter and order.
<b>Indiana</b> Supreme Court; Court of Appeals	–	–	This is prepared by judge’s secretary and administrative staff.	–	Counsel is notified by letter.

Table 5.10 – Record-Keeping Procedures in Clerks' Offices (continued)

<b>State/Court</b>	<b>Type of register</b>	<b>How cases are indexed</b>	<b>Preparation of court orders other than opinions</b>	<b>Court's retention policies</b>	<b>Method of notifying counsel of orders</b>
<b>Iowa</b> Supreme Court; Court of Appeals	Cases are characterized as active or inactive.	Indexes are alphabetical by primary party on each side of case.	Orders are prepared by clerk's staff or justices' secretaries.	Trial court record is returned to district court clerk. Filings made with supreme court clerk are retained by State Archives.	Counsel is notified by a copy of the actual order.
<b>Kansas</b> Supreme Court; Court of Appeals	Appellate files from completed cases are separated from active cases.	A computer index is used.	Court orders, other than opinions, are prepared by judges' secretaries, and attorneys on the central research staff.	District court records are returned to the district court when the mandate issues. Appellate files are maintained on site for five years and then retained permanently by the Kansas Historical Society.	Counsel is notified by a copy of the actual order.
<b>Kentucky</b> Supreme Court	–	–	Court orders, other than opinions, are prepared by staff counsel.	Records are microfilmed and retained indefinitely. Circuit court records are returned to circuit court.	Notified by a letter and/or copy of the actual order.
Court of Appeals	–	–	Same as above.	Same as above.	Notified by a letter and/or copy of the actual order. In 1997, the court began notifying counsel of routine rulings by notice from the clerk.
<b>Louisiana</b> Supreme Court; Courts of Appeal	Computer.	Automated case track system can search by docket number or name.	Court orders, other than opinions are prepared by the attorneys to some extent.	Original orders retained indefinitely.	Notified by a letter and/or copy of the actual order.
<b>Maine</b> Supreme Judicial Court	Automated.	–	Most court orders are prepared by the clerk or his staff.	–	Counsel are notified by an actual copy of the order.
<b>Maryland</b> Court of Appeals; Court of Special Appeals	Register sheets of inactive cases are not separated from active cases.	–	This is prepared by clerk's office.	Keep everything for 5 years/archive as needed.	Counsel are notified by letter and a copy of the order. Counsel are notified of brief extensions, and rescheduling of argument by postcard.
<b>Massachusetts</b> Supreme Judicial Court	Completed cases are separated from active cases.	Automated case tracking system, can search by docket number or party name.	Prepared by clerk's office.	Keep briefs and file with materials filed in supreme judicial court. Criminal transcripts kept on microfiche.	Counsel are notified by letter and a copy of the actual order.

Table 5.10 – Record-Keeping Procedures in Clerks’ Offices (continued)

<b>State/Court</b>	<b>Type of register</b>	<b>How cases are indexed</b>	<b>Preparation of court orders other than opinions</b>	<b>Court’s retention policies</b>	<b>Method of notifying counsel of orders</b>
<b>Massachusetts</b> Appeals Court	Same as above.	Docket reflects civil, criminal, impounded.	Same as above.	Brief, table of appendix, and transcript are kept as permanent record. Petitions to single justice of IAC are destroyed after one year (except workers’ compensation cases).	Same as above.
<b>Michigan</b> Supreme Court; Court of Appeals	Completed cases separated from active.	Case name and lower court number.	This is prepared by clerk’s office.	Briefs and pleadings retained permanently. Kept on premises for 5 years.	Counsel are notified by copy of the actual order.
<b>Minnesota</b> Supreme Court; Court of Appeals	Court uses a computer database.	Indexed by case number.	This is prepared by judge’s secretary, court admin., court commissioner, or clerk’s office.	All case files are archived indefinitely.	Counsel is notified by a copy of the actual order.
<b>Mississippi</b> Supreme Court; Court of Appeals	–	–	This is prepared by clerk’s office handed down each week by the court.	–	Counsel is notified by copy of the actual order.
<b>Missouri</b> Supreme Court; Court of Appeals	Completed cases are separated from active cases.	–	This is prepared by the clerk’s office or a judge for the court.	–	Counsel is notified by publication in legal newspaper or by letter.
<b>Montana</b> Supreme Court	Docket is on WordPerfect program.	Indexes are searched by word.	This is prepared by judges’ secretaries.	Hard copy is archived and microfilmed.	Counsel is notified by copy of the actual order.
<b>Nebraska</b> Supreme Court; Court of Appeals	Docket is on hard copy and on computer.	By computer.	Prepared by the clerk’s office.	Transcript is permanent record of the court. Bill of exceptions returnable to trial court once mandate issues.	Computer generated notices.
<b>Nevada</b> Supreme Court	Docket is on hard copy and on computer.	By party name and by case number.	By staff counsel or the clerk’s office.	Five years from completion of case, so long as file is microfilmed for permanent record.	By copy of the actual order.
<b>New Hampshire</b> Supreme Court	Chronological numbering with year as prefix. Docket is on WordPerfect.	Alphabetically by plaintiff and numerically.	Prepared by the clerk’s office under supervision of the court.	All files retained by binding, imaging, or hard copies.	Orders are mailed to all counsel of record or to parties if unrepresented. For opinions, three-day notice given of hand-down date of opinion.

Table 5.10 – Record-Keeping Procedures in Clerks' Offices (continued)

<b>State/Court</b>	<b>Type of register</b>	<b>How cases are indexed</b>	<b>Preparation of court orders other than opinions</b>	<b>Court's retention policies</b>	<b>Method of notifying counsel of orders</b>
<b>New Jersey</b> Supreme Court, Superior Court, Appellate Division	Computerized docketing.	Alphabetical by party.	Prepared by the clerk's office.	Hard copies permanently retained unless microfilmed.	By copy of the actual order. Orders in emergency matters may be faxed to counsel and trial court.
<b>New Mexico</b> Supreme Court; Court of Appeals	Appellate courts keep a sequentially numbered docket.	By assigned docket number and by parties named.	Prepared by the clerk's office.	Each level of court has a written retention schedule approved by the State Records Center.	By copy of the actual order, either sent by mail or telecopier.
<b>New York</b> Court of Appeals	Electronic.	By caption and internal number.	Prepared by the clerk's office.	COLR complies with NYS court system records retention and disposition schedule.	COLR notifies counsel by the phone of appeal dispositions.
Supreme Court, Appellate Divisions					
1st Department	Separate registers of criminal and civil appeals and a register of motions.	By the index, docket or indictment number issued in the trial court. Also by appeal number.	Prepared by the clerk's office.	Original records are returned to the trial court.	By mailing a copy of the actual order.
2nd Department	–	–	Same as above.	Retention schedule is promulgated by office of the court administration.	Assigned counsel are mailed orders; otherwise notice is on Law Journal, or attorney can leave envelopes to have decisions mailed.
3rd Department	–	–	Same as above.	Original orders are retained indefinitely and eventually are microfilmed.	By mailing a copy of the actual order.
4th Department	Alphabetical	Docket number alphabetical by plaintiff.	Same as above.	–	Copies of orders are mailed to winning attorneys.
<b>North Carolina</b> Supreme Court	Not applicable.	Cases are indexed by the name of all parties to the appeals.	Prepared by the clerk's office.	After 18 months from date of opinion, case file microfiched.	By letter and a copy of the actual order.
Court of Appeals	Same as above.	Same as above.	Same as above.	Permanent file kept for 10 years after which only original opinion, judgment, certificate of satisfaction of costs are kept by state archives.	Same as above.
<b>North Dakota</b> Supreme Court	By computer.	By plaintiff, defendant, and title.	Prepared by the clerk's office.	Currently retains original and one copy of all cases since inception are still on file of court.	By letter.

Table 5.10 – Record-Keeping Procedures in Clerks’ Offices (continued)

State/Court	Type of register	How cases are indexed	Preparation of court orders other than opinions	Court’s retention policies	Method of notifying counsel of orders
<b>Ohio</b> Supreme Court; Courts of Appeals	By computer.	By computer.	Prepared by court.	Set by rules adopted by the supreme court.	By copy of the actual order.
<b>Oklahoma</b> Supreme Court; Court of Criminal Appeals; Court of Appeals	–	–	Prepared by the clerk’s office.	–	By copy of the actual order.
<b>Oregon</b> Supreme Court; Court of Appeals	–	–	Prepared by the state court administrator or by court staff directly.	–	By postcard and letter.
<b>Pennsylvania</b> Supreme Court; Superior Court	–	–	Prepared by the judges’ secretaries and/or prothonotary’s office.	Retention of records is in Appellate Court Records Retention Schedule which varies as to the type of record.	By letter with certified copy of order.
Commonwealth Court	–	–	Same as above.	Appellate files may be destroyed 2 years after final disposition. Original jurisdiction files must be retained indefinitely.	Copy of order sent.
<b>Rhode Island</b> Supreme Court	Computer indexes.	Alphabetical and numerical.	Prepared by the staff’s counsel or clerk’s office.	7 years.	By copy of actual order.
<b>South Carolina</b> Supreme Court; Court of Appeals	–	–	–	Opinions are permanent records. Case files, including briefs and records are microfilmed.	By telephone call and/or copy of order.
<b>South Dakota</b> Supreme Court	–	–	Prepared by the clerk of the court.	–	By letter or copy of order.
<b>Tennessee</b> Supreme Court; Court of Appeals; Court of Criminal Appeals	The appellate court clerk’s office maintains minute books containing judgments, orders, rules, and attorney enrollments.	–	Prepared by counsel for the parties, judges’ secretaries, staff counsel, or clerk’s office.	Supreme court records and court of criminal appeals records have a retention of 50 years.	By copy of order or computer notice stating the nature of the order.
<b>Texas</b> Supreme Court; Court of Criminal Appeals; Courts of Appeals	–	–	Prepared by the clerk’s office.	Governed by statute. Supreme court and court of criminal appeals records go to state archives. IAC records may be destroyed after 10 years.	By letter or postcard via U.S. mail.



Table 5.10 – Record-Keeping Procedures in Clerks' Offices (continued)

<b>State/Court</b>	<b>Type of register</b>	<b>How cases are indexed</b>	<b>Preparation of court orders other than opinions</b>	<b>Court's retention policies</b>	<b>Method of notifying counsel of orders</b>
<b>Utah</b> Supreme Court; Court of Appeals	–	–	Prepared by the clerk's office.	Permanent with in-court storage for 10 years.	By copy of actual order.
<b>Vermont</b> Supreme Court	Completed cases are separated from active cases.	3"x 5" index cards, printed docket sheets, and computer code.	Prepared by the clerk's office.	All files except matters of original jurisdiction are returned to trial court. Briefs are filed in law and documents library. Original entry orders are retained.	By copy of actual order.
<b>Virginia</b> Supreme Court	Completed cases are separated from active cases.	Alphabetical.	Prepared by the clerk's office.	Appeals are retained for 10 years from date petition for appeal is filed.	By copy of actual order.
Court of Appeals	Same as above.	Computerized.	Prepared by the clerk's office and the staff attorneys' office.	Files are kept in clerk's office for 7 years from inception, then transferred to state archives for another 18 years. Original jurisdiction cases are kept in clerk's office for 7 years from inception, then transferred to the state archives to be held permanently.	Same as above.
<b>Washington</b> Supreme Court; Courts of Appeals	ACORDS on-line docketing system.	ACORDS system.	Prepared by the clerk's office.	The court has adopted comprehensive retention policies regarding documents/exhibits.	By a mailed copy.
<b>West Virginia</b> Supreme Court of Appeals	–	Computer indexing.	Prepared by the clerk's office.	Microfilm granted appeals for storage. Microfilm is indexed.	By copy of actual order and a telephone call.
<b>Wisconsin</b> Supreme Court; Court of Appeals	Completed cases are separated from active cases.	Automated by case number, trial court case number, and names of parties.	Prepared by staff counsel (motions), and clerk's office (stipulations, dismissals, and routine motions).	Trial court record is returned to trial court at remittitur. Court's correspondence file is kept offsite indefinitely.	By copy of actual order.
<b>Wyoming</b> Supreme Court	Active cases are not separated from inactive cases.	–	Prepared by a justice or a clerk.	Permanent.	By copy of actual order.

Table 5.10 – Record-Keeping Procedures in Clerks’ Offices (continued)

<b>State/Court</b>	<b>Type of register</b>	<b>How cases are indexed</b>	<b>Preparation of court orders other than opinions</b>	<b>Court’s retention policies</b>	<b>Method of notifying counsel of orders</b>
<b>Federal</b> U.S. Supreme Court	Computerized docket system.	Indexed by plaintiff, defendant, case title, and docket number.	Court orders, other than opinions, are prepared by the clerk’s office, occasionally by justices.	–	Counsel is notified of orders by mail.
U.S. Courts of Appeals	Same as above.	Same as above.	Same as above.	Files are retained at court for 3 years, then are retired by the Federal Records Center. In the second circuit they are only retained for one year.	Same as above.
U.S. Air Force Court of Criminal Appeals	Same as above.	Indexed by defendant’s name and court assigned number (ACM#).	Same as above.	Record retention policies are governed by regulations of the National Archives and Records Administration, and related Air Force instructions.	Civilian counsel are notified by mail. Appellate military counsel have an “in-box” at the Court, from which they collect their copies of documents.
U.S. Army Court of Criminal Appeals	System shared by Court of Criminal Appeals and offices of assigned counsel. Clerk of the court also operates a manual backup procedure.	Indexed by appellant and appellee and/or by petitioner and respondent.	Most orders in individual cases prepared by cognizant court panel; others by the clerk’s office.	Governed by regulations of the National Archives and Record Administration and Armywide regulations.	Assigned counsel notified through interoffice distribution from the clerk; retained civilian counsel and amicus curiae notified by mail or facsimile transmission.
U.S. Court of Veterans Appeals	Computerized docket system	Indexed by plaintiff and defendant.	Court orders, other than opinions, are prepared by the clerk’s office occasionally by judges.	Mandated files are filed are retired to federal records center.	Counsel are notified of orders by mail.

**Table 5.11 – Provision of Law Clerks to Appellate Court Judges**

<b>State/Court</b>	<b>Number of clerks for chief justice/judge</b>	<b>Number of clerks for each associate justice/judge</b>	<b>Number of central law staff</b>
<b>Alabama</b>			
Supreme Court	3 <sup>1</sup>	3 <sup>1</sup>	4
Court of Criminal Appeals	4	4	1
Court of Civil Appeals	3	3	0
<b>Alaska</b>			
Supreme Court	3	3	0
Court of Appeals	2	2	2
<b>Arizona</b>			
Supreme Court	3	2	8 FTE
Court of Appeals, Division 1	1	2	18
Court of Appeals, Division 2	1	1.5	9
<b>Arkansas</b>			
Supreme Court	2	2	0
Court of Appeals	2	2	5
<b>California</b>			
Supreme Court	8	5	29
Court of Appeal	2	2	— <sup>2</sup>
<b>Colorado</b>			
Supreme Court	2	2	1
Court of Appeals	1	1	16
<b>Connecticut</b>			
Supreme Court	2	1.5	44 <sup>3</sup>
Appellate Court	2	1	44 <sup>3</sup>
<b>Delaware</b>			
Supreme Court	1.5	1.5	0
<b>District of Columbia</b>			
Court of Appeals	3	2	8
<b>Florida</b>			
Supreme Court	3	2	4 <sup>4</sup>
District Courts of Appeal	2	2	19
<b>Georgia</b>			
Supreme Court	3	2	5
Court of Appeals	3	3	5
<b>Hawaii</b>			
Supreme Court	3	2	5
Intermediate Court of Appeals	2	2	0
<b>Idaho</b>			
Supreme Court	2	2	1
Court of Appeals	2	2	1
<b>Illinois</b>			
Supreme Court	3	3	19 <sup>5</sup>
Appellate Court	2	2	88

Table 5.11 – Provision of Law Clerks to Appellate Court Judges (continued)

State/Court	Number of clerks for chief justice/judge	Number of clerks for each associate justice/judge	Number of central law staff
<b>Indiana</b>			
Supreme Court	3	2	5
Court of Appeals	3 <sup>6</sup>	3 <sup>6</sup>	— <sup>7</sup>
Tax Court	3	Not applicable	0
<b>Iowa</b>			
Supreme Court	1	1	8
Court of Appeals	1	1	2
<b>Kansas</b>			
Supreme Court	1	1	2
Court of Appeals	1	1	13
<b>Kentucky</b>			
Supreme Court	1	1	7 <sup>8</sup>
Court of Appeals	2	2	8
<b>Louisiana</b>			
Supreme Court	3 <sup>9</sup>	3	14
Courts of Appeal	3	2	55
<b>Maine</b>			
Supreme Judicial Court	2	1.5	1
<b>Maryland</b>			
Court of Appeals	2	2	0
Court of Special Appeals	2	2	8
<b>Massachusetts</b>			
Supreme Judicial Court	2	2	20
Appeals Court	2	1	18
<b>Michigan</b>			
Supreme Court	3	3	17
Court of Appeals	1	1	70
<b>Minnesota</b>			
Supreme Court	2	1.5	3
Court of Appeals	2	2	15
<b>Mississippi</b>			
Supreme Court	2	2	8
Court of Appeals	—	—	—
<b>Missouri</b>			
Supreme Court	2	2	0
Court of Appeals	2	2	2
<b>Montana</b>			
Supreme Court	2	2	14
<b>Nebraska</b>			
Supreme Court	2	2	1
Court of Appeals	2	2	1

Table 5.11 – Provision of Law Clerks to Appellate Court Judges (continued)

State/Court	Number of clerks for chief justice/judge	Number of clerks for each associate justice/judge	Number of central law staff
<b>Nevada</b>			
Supreme Court	2	2	19
<b>New Hampshire</b>			
Supreme Court	2-3	2	3
<b>New Jersey</b>			
Supreme Court	3	2-4 <sup>10</sup>	4
Superior Court, Appellate Division	2	1	27
<b>New Mexico</b>			
Supreme Court	2	2	0
Court of Appeals	1	1	14
<b>New York</b>			
Court of Appeals	3	2	15
Supreme Court, Appellate Divisions	1	1	100
<b>North Carolina</b>			
Supreme Court	3	2	0
Court of Appeals	3	2	6
<b>North Dakota</b>			
Supreme Court	1	1	6
<b>Ohio</b>			
Supreme Court	3	3	11
Courts of Appeals	2	2	Varies
<b>Oklahoma</b>			
Supreme Court	2	2	7
Court of Criminal Appeals	2	2	4
Court of Civil Appeals	2	2	0
<b>Oregon</b>			
Supreme Court	1	1	2
Court of Appeals	1	– <sup>11</sup>	6.6
<b>Pennsylvania</b>			
Supreme Court	Varies	Varies	Not applicable
Superior Court	5	4	Varies
Commonwealth Court	4	4	Varies
<b>Puerto Rico</b>			
Supreme Court	3	2	10
<b>Rhode Island</b>			
Supreme Court	3	2	6
<b>South Carolina</b>			
Supreme Court	2	2	11
Court of Appeals	2	2	9
<b>South Dakota</b>			
Supreme Court	1	1	3

Table 5.11 – Provision of Law Clerks to Appellate Court Judges (continued)

State/Court	Number of clerks for chief justice/judge	Number of clerks for each associate justice/judge	Number of central law staff
<b>Tennessee</b>			
Supreme Court	2	1	8
Court of Appeals	2	2	3
Court of Criminal Appeals	2	2	3
<b>Texas</b>			
Supreme Court	3 <sup>12</sup>	3 <sup>12</sup>	0
Court of Criminal Appeals	2	2	15
Courts of Appeals	14 <sup>13</sup>	14 <sup>13</sup>	9 <sup>14</sup>
<b>Utah</b>			
Supreme Court	2	2	2
Court of Appeals	2	2	4
<b>Vermont</b>			
Supreme Court	2	1	3
<b>Virginia</b>			
Supreme Court	1	1	10
Court of Appeals	1	1	9 <sup>15</sup>
<b>Washington</b>			
Supreme Court	2	2	8
Courts of Appeals	2	2	Varies
<b>West Virginia</b>			
Supreme Court of Appeals	3	3	Varies <sup>16</sup>
<b>Wisconsin</b>			
Supreme Court	1	1	4
Court of Appeals	1	1	13
<b>Wyoming</b>			
Supreme Court	2	2	1
<b>Federal</b>			
U.S. Supreme Court	4 <sup>17</sup>	4 <sup>17</sup>	2 <sup>18</sup>
U.S. Courts of Appeals	4	3	Varies
U.S. Court of Veterans Appeals	2	2	7 attorneys

**Endnotes**

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

<sup>2</sup> Each court of appeals has a different number of law staff.

<sup>3</sup> Includes 26 attorneys and 18 paralegals. Staff is shared by COLR and IAC, except executive assistants (1 in COLR and 1 in IAC).

<sup>4</sup> Three floating staff attorneys.

<sup>5</sup> Seven attorneys—Research Department; ten attorneys-administrative office of courts; two attorneys-clerk's office

<sup>6</sup> Judges may, at their own discretion, have less than three clerks.

<sup>7</sup> An administrator and a commissioner.

<sup>8</sup> One attorney serves as supreme court administrator, clerk of court, and general counsel.

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

<sup>10</sup> One justice may have a fourth law clerk to work as one of two law clerks assigned to death penalty cases.

<sup>11</sup> Sixteen total: seven judges have two clerks; two justices have one clerk.

<sup>12</sup> Includes one staff attorney.

<sup>13</sup> 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>14</sup> This is the total number of central law staff for all 14 courts of appeals. The number of central law staff varies from court to court.

<sup>15</sup> Five are part-time employees.

<sup>16</sup> Clerks screen applications, but do not draft opinions or orders.

<sup>17</sup> Not all justices have four; some have three. Chief justices have three.

<sup>18</sup> Not including law-trained research librarians.

**Table 6.1 – Electronic Filing in Appellate Courts**

<b>State/Court</b>	<b>This court accepts electronically filed documents</b>	<b>This court receives the trial court record electronically</b>	<b>This court accepts videotapes in lieu of trial court proceedings transcripts</b>	<b>This court has electronic filing but requires original documents</b>	<b>This court accepts documents by fax</b>
<b>Alabama</b>					
Supreme Court	No	No	Yes	No	No
Court of Civil Appeals	Yes	No	Yes	No	Yes <sup>1</sup>
Court of Criminal Appeals	No	No/Explore	Yes		Yes
<b>Alaska</b>					
Supreme Court	Yes	Yes	No	Yes	No
<b>Arizona</b>					
Supreme Court	No	No	No		No
Court of Appeals, Division 1	No	No	Yes		No
Court of Appeals, Division 2	No	No	No		No <sup>3</sup>
<b>Arkansas</b>					
Supreme Court	No	No	No		No
<b>California</b>					
Supreme Court	No	No	No	No	No
Court of Appeal, 1st District	No/Explore	No/Explore	Yes		No
Court of Appeal, 2nd District	No/Explore	No/Explore	No/Explore		No
Court of Appeal, 3rd District	No/Explore	No/Explore	No		No
Court of Appeal, 4th District	Yes	No	Yes	Yes	Yes
Court of Appeal, 5th District	No/Explore	No/Explore	No/Explore		No
Court of Appeal, 6th District	No	No	No		No
<b>Colorado</b>					
Supreme Court	No	No	No		No
Court of Appeals	No	No	No		No
<b>Connecticut</b>					
Supreme Court and Appellate Courts	No/Explore	No/Explore	No		No
<b>Delaware</b>					
Supreme Court	No	No	No		No
<b>District of Columbia</b>					
Court of Appeals	No	No	No		No
<b>Florida</b>					
Supreme Court	No	No	No		Yes
First District Court of Appeal	Yes	No	No	Yes	Yes <sup>4</sup>
Second District Court of Appeal	No	No	No		No
Third District Court of Appeal	No	No	No		No
Fourth District Court of Appeal	No	No	No		No
Fifth District Court of Appeal	No	No	No		No

Table 6.1 – Electronic Filing in Appellate Courts (continued)

<b>State/Court</b>	<b>This court accepts electronically filed documents</b>	<b>This court receives the trial court record electronically</b>	<b>This court accepts videotapes in lieu of trial court proceedings transcripts</b>	<b>This court has electronic filing but requires original documents</b>	<b>This court accepts documents by fax</b>
<b>Georgia</b>					
Supreme Court	No	No	No/Explore		Yes
Court of Appeals	No	No	No	No	No
<b>Hawaii</b>					
Supreme Court	No/Explore	No/Explore	No		No/Explore
<b>Idaho</b>					
Supreme Court	No	Yes	No		Yes
<b>Illinois</b>					
Supreme Court	No	No	No		Yes <sup>4</sup>
Appellate Court, 1st District	No	No	No		No
Appellate Court, 2nd District	No	No	No		No
Appellate Court, 3rd District	No	No	No		Yes <sup>5</sup>
Appellate Court, 4th District	No	No	No		No
Appellate Court, 5th District	No	No	No		Yes
<b>Indiana</b>					
Supreme Court	No	Yes	No		No
Court of Appeals	No	Yes	No		No/Explore
<b>Iowa</b>					
Supreme Court and Court of Appeals	No	No	No		Yes
<b>Kansas</b>					
Appellate Courts	No/Explore	No/Explore	No/Explore		Yes
<b>Kentucky</b>					
Supreme Court	No	No	Yes		No
Court of Appeals	No	No	Yes		No
<b>Louisiana</b>					
Supreme Court	No	No	Yes		Yes
Court of Appeal, 1st Circuit	Yes	No	No		No
Court of Appeal, 2nd Circuit	Yes	No	No	No	Yes
Court of Appeal, 3rd Circuit	No	No	No		Yes <sup>4</sup>
Court of Appeal, 5th Circuit	No	No	No		No
<b>Maine</b>					
Supreme Judicial Court	No/Explore	No/Explore	No		No
<b>Maryland</b>					
Court of Appeals	No	No	No		No
Court of Special Appeals	No	No	No		No
<b>Massachusetts</b>					
Supreme Judicial Court	No	No	No/Explore		Yes
Appeals Court	No	No/Explore	No		No



Table 6.1 – Electronic Filing in Appellate Courts (continued)

<b>State/Court</b>	<b>This court accepts electronically filed documents</b>	<b>This court receives the trial court record electronically</b>	<b>This court accepts videotapes in lieu of trial court proceedings transcripts</b>	<b>This court has electronic filing but requires original documents</b>	<b>This court accepts documents by fax</b>
<b>Michigan</b>					
Supreme Court	No	No	No	No	Yes
Court of Appeals	No/Explore	No	No		No
<b>Minnesota</b>					
Appellate Courts	No	No	No		No
<b>Mississippi</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes
<b>Missouri</b>					
Supreme Court	No	No	No		Yes
Court of Appeals, Eastern District	No/Explore		No		Yes
Court of Appeals, Southern District	No	No	No		Yes
Court of Appeals, Western District	No	No	No		Yes
<b>Montana</b>					
Supreme Court	No	No	No		Yes
<b>Nebraska</b>					
Supreme Court	No	No	No		Yes
<b>Nevada</b>					
Supreme Court	No	No	No		Yes <sup>4</sup>
<b>New Hampshire</b>					
Supreme Court	No/Explore	No	No		No
<b>New Jersey</b>					
Supreme Court	No/Explore	No	No/Explore		Yes
Superior Court, Appellate Division	No	No	No		No
<b>New Mexico</b>					
Supreme Court	No	No/Explore	No/Explore	No/Explore	Yes
<b>New York</b>					
Court of Appeals	No	No	No	No	No
Supreme Court, Appellate Div., 1st Dept.	No	No	No	No	No
Supreme Court, Appellate Div., 2nd Dept.	No	No	No		No
Supreme Court, Appellate Div., 3rd Dept.	No	No	No		No
Supreme Court, Appellate Div., 4th Dept.	Yes	No	No	Yes	Yes
<b>North Carolina</b>					
Supreme Court	No/Explore	No	Yes	Yes	Yes <sup>4</sup>
Court of Appeals	No	No	Yes		No
<b>North Dakota</b>					
Supreme Court	No	No	No/Explore		No

Table 6.1 – Electronic Filing in Appellate Courts (continued)

<b>State/Court</b>	<b>This court accepts electronically filed documents</b>	<b>This court receives the trial court record electronically</b>	<b>This court accepts videotapes in lieu of trial court proceedings transcripts</b>	<b>This court has electronic filing but requires original documents</b>	<b>This court accepts documents by fax</b>
<b>Ohio</b>					
Supreme Court	No	No	No	No	Yes
Court of Appeals, 11th District	Yes	No	No/Explore	Yes	No
<b>Oklahoma</b>					
Appellate Courts	No	No	No		No
<b>Oregon</b>					
Supreme Court	No/Explore	No	No	No	No <sup>6</sup>
<b>Pennsylvania</b>					
Supreme Court	No/Explore	No/Explore	No/Explore	No	Yes <sup>4</sup>
Commonwealth Court	No/Explore	No/Explore	No		Yes
Superior Court	No	No	No		No
<b>Rhode Island</b>					
Supreme Court	No	No	No	No	Yes <sup>4</sup>
<b>South Carolina</b>					
Supreme Court	No	No	No		Yes
Court of Appeals	No	No	No		Yes
<b>South Dakota</b>					
Supreme Court	No	No	No		Yes <sup>4</sup>
<b>Tennessee</b>					
Appellate Courts	No	No	Yes		No
<b>Texas</b>					
Supreme Court	Yes	No	No		No
Court of Criminal Appeals	No	No	No		No
Court of Appeals, 1st District	No/Explore	No	No		Yes <sup>4</sup>
Court of Appeals, 2nd District	No	No	No		No
Court of Appeals, 3rd District	No	No	No		No
Court of Appeals, 4th District	No	No	No		No
Court of Appeals, 5th District	No	No	No		Yes
Court of Appeals, 6th District	No	No	No		No
Court of Appeals, 7th District	No	No	No/Explore		No
Court of Appeals, 8th District	No/Explore	No	No		Yes
Court of Appeals, 9th District	Yes	No	No	No	Yes <sup>4</sup>
Court of Appeals, 10th District	No/Explore	No/Explore	No		Yes
Court of Appeals, 11th District	No	No	No		No
Court of Appeals, 12th District	No	No	No		Yes <sup>7</sup>
Court of Appeals, 13th District	No	No	No		Yes <sup>4</sup>
Court of Appeals, 14th District	No	No	No		Yes

Table 6.1 – Electronic Filing in Appellate Courts (continued)

<b>State/Court</b>	<b>This court accepts electronically filed documents</b>	<b>This court receives the trial court record electronically</b>	<b>This court accepts videotapes in lieu of trial court proceedings transcripts</b>	<b>This court has electronic filing but requires original documents</b>	<b>This court accepts documents by fax</b>
<b>Utah</b>					
Supreme Court	No	No	No		Yes <sup>4</sup>
Court of Appeals	No/Explore	No	No		Yes <sup>4</sup>
<b>Vermont</b>					
Supreme Court	No	No	Yes		No
<b>Virginia</b>					
Supreme Court	No/Explore	No/Explore	Yes		No
Court of Appeals	No	No	Yes	No	No
<b>Washington</b>					
Supreme Court	Yes	No	Yes	No	Yes
Court of Appeals, Division 1	Yes	No	No		No
Court of Appeals, Division 2	Yes	No	No	No	Yes
Court of Appeals, Division 3	No	No	No		No
<b>West Virginia</b>					
Supreme Court of Appeals	No	No	No		Yes
<b>Wisconsin</b>					
Supreme Court and Court of Appeals	No/Explore	No/Explore	No		Yes
<b>Wyoming</b>					
Supreme Court	No/Explore	No/Explore	No		Yes
<b>Federal</b>					
U.S. Supreme Court	No/Explore	No	No		No
U.S. Court of Appeals, D.C. Circuit	No	No	No		Yes <sup>4</sup>
U.S. Court of Appeals, 2nd Circuit	No/Explore	No/Explore	No/Explore	No/Explore	No
U.S. Court of Appeals, 3rd Circuit	Yes	No	No		Yes <sup>4</sup>
U.S. Court of Appeals, 4th Circuit	No/Explore	No	No		Yes
U.S. Court of Appeals, 5th Circuit	No/Explore	Yes	No		No
U.S. Court of Appeals, 6th Circuit	No	No	No		Yes <sup>8</sup>
U.S. Court of Appeals, 7th Circuit	No/Explore	No	No	No	Yes
U.S. Court of Appeals, 8th Circuit	Yes	No	No	Yes	Yes
U.S. Court of Appeals, 9th Circuit	No	No	No		No <sup>9</sup>
U.S. Court of Appeals, 10th Circuit	Yes	No	Yes	Yes	Yes
U.S. Court of Appeals, 11th Circuit	No	No	No		No <sup>10</sup>
U.S. Air Force Court of Criminal Appeals	No/Explore	No	No	No/Explore	Yes <sup>4</sup>
U.S. Army Court of Criminal Appeals	No/Explore	No	No	No	Yes
U.S. Court of Appeals for the Armed Forces	No	No	No		Yes <sup>4</sup>
U.S. Court of Veterans Appeals	No	No	No	No	Yes

Table 6.1 – Electronic Filing in Appellate Courts (continued)

**Endnotes**

<sup>1</sup> This court accepts faxes only if the original document follows.

<sup>2</sup> With prior approval, this court accepts faxes only in emergencies or from distant places.

<sup>3</sup> This court accepts limited faxes with prior approval from the clerk, but must get an original in the mail. When faxes are accepted the fax date is the filing date.

<sup>4</sup> When a document is faxed, an original signature must be provided for the record.

<sup>5</sup> This court accepts faxes for TRO Appeals only.

<sup>6</sup> This court accepts faxes only in emergencies.

<sup>7</sup> This court does allow faxed documents under special circumstances, but the original is required for the record.

<sup>8</sup> This court accepts faxes with advance permission from the court.

<sup>9</sup> This court accepts faxes under limited circumstances with court permission.

<sup>10</sup> This court accepts faxes in emergencies only with prior approval from the clerk. With this approval, the fax date is the filing date and faxed signatures are accepted.

**Table 6.2 – The Use of Case Management Information Systems (CMIS) in Appellate Courts**

<b>State/Court</b>	<b>This court has a CMIS</b>	<b>This court maintains its CMIS in-house</b>	<b>This court makes ad hoc inquiries from CMIS data</b>	<b>This court's CMIS distinguishes public and confidential information</b>
<b>Alabama</b>				
Supreme Court	Yes	Yes	Limited	Yes
Court of Civil Appeals	Yes	Yes	Yes	Yes
Court of Criminal Appeals	Yes	Yes	Yes	Yes
<b>Alaska</b>				
Supreme Court	Yes	Yes	Yes	Yes
<b>Arizona</b>				
Supreme Court	Yes	Yes	Yes	
Court of Appeals, Division 1	Yes	Yes	Yes	No
Court of Appeals, Division 2	Yes	Yes	Yes	No
<b>Arkansas</b>				
Supreme Court	Yes	Yes/No	Yes/No	No
<b>California</b>				
Supreme Court	Yes	Yes	No	Yes
Court of Appeal, 1st District	Yes	Yes	Yes	Yes
Court of Appeal, 2nd District	Yes	No	Yes	Yes
Court of Appeal, 3rd District	Yes	No	Yes	Yes
Court of Appeal, 4th District	Yes	Yes	Yes	Yes
Court of Appeal, 5th District	Yes	Yes	Yes	Yes
Court of Appeal, 6th District	Yes	Yes	Yes	No
<b>Colorado</b>				
Supreme Court	No			
Court of Appeals	Yes	Yes	Yes	No
<b>Connecticut</b>				
Supreme Court and Appellate Courts	Yes	Yes	Yes	Yes
<b>Delaware</b>				
Supreme Court	Yes	Yes	No	Yes
<b>District of Columbia</b>				
Court of Appeals	Yes	Yes	Yes	Yes
<b>Florida</b>				
Supreme Court	Yes	Yes	Yes	Yes
First District Court of Appeal	Yes	Yes	Yes	No
Second District Court of Appeal	Yes	No	No	Yes
Third District Court of Appeal	Yes			
Fourth District Court of Appeal	Yes		No	No
Fifth District Court of Appeal	Yes	No	No	Yes
<b>Georgia</b>				
Supreme Court	Yes	Yes	Yes	No
Court of Appeals	Yes	Yes	Yes	No

Table 6.2 – The Use of Case Management Information Systems (CMIS) in Appellate Courts (continued)

State/Court	This court has a CMIS	This court maintains its CMIS in-house	This court makes ad hoc inquiries from CMIS data	This court's CMIS distinguishes public and confidential information
<b>Hawaii</b>				
Supreme Court	Yes	Yes	No/Explore	No
<b>Idaho</b>				
Supreme Court	Yes	Yes	No	Yes
<b>Illinois</b>				
Supreme Court	Yes	Yes	Yes	Yes
Appellate Court, 1st District	Yes	No	Yes	Yes
Appellate Court, 2nd District	Yes	Yes	Yes	Yes
Appellate Court, 3rd District	Yes	No	Yes	Yes
Appellate Court, 4th District	Yes	Yes	No	No
Appellate Court, 5th District	Yes	Yes	Yes	Yes
<b>Indiana</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	No
<b>Iowa</b>				
Supreme Court and Court of Appeals	Yes	Yes	Yes	Yes
<b>Kansas</b>				
Appellate Courts	Yes	Yes	Yes	No/Explore
<b>Kentucky</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeals	Yes	No	No	No
<b>Louisiana</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeal, 1st Circuit	Yes	Yes	Yes	No/Explore
Court of Appeal, 2nd Circuit	Yes	Yes	Yes	Yes
Court of Appeal, 3rd Circuit	Yes	Yes	Yes	Yes
Court of Appeal, 5th Circuit	Yes	Yes	No	No
<b>Maine</b>				
Supreme Judicial Court	No <sup>1</sup>	No	No	No
<b>Maryland</b>				
Court of Appeals	No			
Court of Special Appeals	Yes	Yes	Yes	No
<b>Massachusetts</b>				
Supreme Judicial Court	Yes	Yes	Yes	Yes
Appeals Court	Yes	Yes	Yes	Yes
<b>Michigan</b>				
Supreme Court	Yes	Yes	Yes	No
Court of Appeals	Yes	Yes	Yes	Yes

Table 6.2 – The Use of Case Management Information Systems (CMIS) in Appellate Courts (continued)

<b>State/Court</b>	<b>This court has a CMIS</b>	<b>This court maintains its CMIS in-house</b>	<b>This court makes ad hoc inquiries from CMIS data</b>	<b>This court's CMIS distinguishes public and confidential information</b>
<b>Minnesota</b>				
Appellate Courts	Yes	Yes	Yes	Yes
<b>Mississippi</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes
<b>Missouri</b>				
Supreme Court	Yes	Yes	Yes	No
Court of Appeals, Eastern District	Yes	No		Yes
Court of Appeals, Southern District	Yes	No	No	Yes
Court of Appeals, Western District	Yes	No	No	Yes
<b>Montana</b>				
Supreme Court	No			
<b>Nebraska</b>				
Supreme Court	Yes	Yes	Yes	Yes
<b>Nevada</b>				
Supreme Court	Yes	No	No	Yes
<b>New Hampshire</b>				
Supreme Court	No/Explore			
<b>New Jersey</b>				
Supreme Court	Yes	Yes	Yes	Yes
Superior Court, Appellate Division	Yes	Yes	Yes	Yes
<b>New Mexico</b>				
Supreme Court	No/Explore			
<b>New York</b>				
Court of Appeals	Yes	No	Yes	No
Supreme Court, Appellate Div., 1st Dept.	Yes	Yes	Yes	Yes
Supreme Court, Appellate Div., 2nd Dept.	Yes	Yes	No	Yes/No
Supreme Court, Appellate Div., 3rd Dept.	Yes	Yes	Yes	Yes
Supreme Court, Appellate Div., 4th Dept.	Yes	Yes	Yes	No
<b>North Carolina</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeals	No			
<b>North Dakota</b>				
Supreme Court	Yes	Yes	Yes	No
<b>Ohio</b>				
Supreme Court	Yes	Yes	No/Explore	Yes
Court of Appeals, 11th District	Yes	Yes	No	No

Table 6.2 – The Use of Case Management Information Systems (CMIS) in Appellate Courts (continued)

<b>State/Court</b>	<b>This court has a CMIS</b>	<b>This court maintains its CMIS in-house</b>	<b>This court makes ad hoc inquiries from CMIS data</b>	<b>This court's CMIS distinguishes public and confidential information</b>
<b>Oklahoma</b>				
Appellate Courts	Yes	Yes	Yes	Yes
<b>Oregon</b>				
Supreme Court	Yes	Yes	Yes	No
<b>Pennsylvania</b>				
Supreme Court	Yes	Yes	Yes	Yes
Commonwealth Court	Yes	Yes	Yes	Yes
Superior Court	Yes	Yes	Yes	Yes
<b>Rhode Island</b>				
Supreme Court	Yes	No	No	Yes
<b>South Carolina</b>				
Supreme Court	Yes	Yes	No	
Court of Appeals	Yes	Yes	Yes	No
<b>South Dakota</b>				
Supreme Court	Yes	Yes	No	No
<b>Tennessee</b>				
Appellate Courts	Yes	No	No	Yes
<b>Texas</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Criminal Appeals	Yes	Yes	Yes	
Court of Appeals, 1st District	No			
Court of Appeals, 2nd District	Yes	Yes	Yes	No
Court of Appeals, 3rd District	Yes	Yes	Explore	No
Court of Appeals, 4th District	Yes	Yes	No	No
Court of Appeals, 5th District	Yes	No	No	Yes
Court of Appeals, 6th District	Yes	Yes	Yes	No
Court of Appeals, 7th District	Yes	No	Explore	No
Court of Appeals, 8th District	Yes	No	No/Explore	No/Explore
Court of Appeals, 9th District	Yes	Yes	Yes	No
Court of Appeals, 10th District	Yes	Yes	No	No
Court of Appeals, 11th District	Yes	Yes	Yes	No
Court of Appeals, 12th District	Yes	Yes	Yes	No
Court of Appeals, 13th District	Yes	Yes	Yes	No
Court of Appeals, 14th District	Yes	Yes		
<b>Utah</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes
<b>Vermont</b>				
Supreme Court	Yes	Yes	Yes	Yes



Table 6.2 – The Use of Case Management Information Systems (CMIS) in Appellate Courts (continued)

<b>State/Court</b>	<b>This court has a CMIS</b>	<b>This court maintains its CMIS in-house</b>	<b>This court makes ad hoc inquiries from CMIS data</b>	<b>This court's CMIS distinguishes public and confidential information</b>
<b>Virginia</b>				
Supreme Court	Yes	Yes	Yes	No/Explore
Court of Appeals	Yes	Yes	Yes	Yes
<b>Washington</b>				
Supreme Court	Yes	No	Yes	Yes
Court of Appeals, Division 1	Yes	No	Yes	Yes
Court of Appeals, Division 2	Yes	No	Yes	Yes
Court of Appeals, Division 3	Yes	No	Yes	Yes
<b>West Virginia</b>				
Supreme Court of Appeals	Yes	Yes	No	No
Supreme Court	No/Explore			
<b>Wisconsin</b>				
Supreme Court and Court of Appeals	Yes	Yes	No/Explore	Yes
<b>Wyoming</b>				
Supreme Court	No			
<b>Federal</b>				
U.S. Supreme Court	Yes	Yes	Yes	Yes
U.S. Court of Appeals, D.C. Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 2nd Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 3rd Circuit	Yes	Yes	No	Yes
U.S. Court of Appeals, 4th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 5th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 6th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 7th Circuit	Yes	Yes	No	Yes
U.S. Court of Appeals, 8th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 9th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 10th Circuit	Yes	No	Yes	Yes
U.S. Court of Appeals, 11th Circuit	Yes	Yes	Yes	No
U.S. Air Force Court of Criminal Appeals	Yes	Yes	No	No
U.S. Army Court of Criminal Appeals	Yes	Yes	Yes	No
U.S. Court of Appeals for the Armed Forces	Yes	Yes	Yes	No
U.S. Court of Veterans Appeals	Yes	Yes	Yes	Yes

**Endnotes**

<sup>1</sup> This court's CMIS is under construction.

**Table 6.3 – The Use of Telecommunications in Appellate Courts**

State/Court	This court's chambers or offices are linked electronically with:					
	Other appellate court chambers/offices	The state court administrator	Other courts in the state	Attorneys/law offices	Publishers	The media and the public
<b>Alabama</b>						
Supreme Court	Yes/Yes	No	No	No	Yes	No/No
Court of Civil Appeals	Yes/Yes	No	No	No	Yes	No/No
Court of Criminal Appeals	Yes/Yes	No	No	No	Yes	Yes/Yes
<b>Alaska</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	Yes	No
<b>Arizona</b>						
Supreme Court	No/Yes	No	No	No	No	No
Court of Appeals, Division 1	Yes/Yes	Yes	Yes	No	No	No
Court of Appeals, Division 2	Yes/Yes	Yes	Yes	No	No	No
<b>Arkansas</b>						
Supreme Court	No/No	Yes	No	No	Yes	No
<b>California</b>						
Supreme Court <sup>1</sup>	Yes/Yes	Yes	Yes	No	Yes	No
Court of Appeal, 1st District	Yes/Yes	Yes	Yes	No	No	No
Court of Appeal, 2nd District	Yes/Yes	Yes	No/Explore	No/Explore	Yes	No
Court of Appeal, 3rd District <sup>2</sup>	Yes/Yes	Yes	No	No	Yes	No
Court of Appeal, 4th District	Yes/Yes	Yes	Yes	No	Yes	No
Court of Appeal, 5th District	Yes/Yes	Yes	Yes	No	No	No
Court of Appeal, 6th District	Yes/Yes	Yes	Yes	No	Yes	No
<b>Colorado</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	Yes	Yes
Court of Appeals	Yes/Yes	Yes	Yes	No	No	No
<b>Connecticut</b>						
Supreme Court and Appellate Courts	Yes/Yes	No	No	No/Explore	Yes	No
<b>Delaware</b>						
Supreme Court	Yes/Yes	Yes	Yes	Yes	No	No
<b>District of Columbia</b>						
Court of Appeals	No/No	No	No	No	No <sup>3</sup>	No
<b>Florida</b>						
Supreme Court	Yes/Yes	Yes	No	No	No	No
First District Court of Appeal	Yes/Yes	Yes	Yes	No	Yes	No
Second District Court of Appeal	Yes/Yes	Yes	No	No	Yes	No
Third District Court of Appeal	Yes/Yes	Yes	Yes	No	Yes	No
Fourth District Court of Appeal	Yes/Yes	Yes	No	No	Yes	No
Fifth District Court of Appeal	Yes/Yes	Yes	No	No	Yes	No
<b>Georgia</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	Yes	No
Court of Appeals	Yes/Yes	Yes	No	No	Yes	No

Table 6.3 – The Use of Telecommunications in Appellate Courts (continued)

State/Court	This court's chambers or offices are linked electronically with:					
	Other appellate court chambers/offices	The state court administrator	Other courts in the state	Attorneys/law offices	Publishers	The media and the public
<b>Hawaii</b>						
Supreme Court	Yes/Yes	Yes	No/Explore	Yes	No	No/Explore
<b>Idaho</b>						
Supreme Court	Yes/Yes	Yes	No	No	Yes	No
<b>Illinois</b>						
Supreme Court	Yes/Yes	Yes	No	No	Yes	No
Appellate Court, 1st District	Yes/No	Yes	No	No	No	No
Appellate Court, 2nd District	Yes/Yes	Yes	Yes	No	Yes	No
Appellate Court, 3rd District	Yes/Yes	Yes	No	No	Yes	No
Appellate Court, 4th District	Yes/Yes	Yes	No	No	No	No
Appellate Court, 5th District	Yes/Yes	Yes	Yes	No	Yes	No
<b>Indiana</b>						
Supreme Court	No/Yes	Yes	No	No	Yes	Yes
Court of Appeals	Yes/Yes	Yes	No	No	Yes	Yes
<b>Iowa</b>						
Supreme Court and Court of Appeals	Yes/Yes	Yes	No	No	Yes	No
<b>Kansas</b>						
Appellate Courts	Yes/Yes	Yes	No/Explore	No	Yes	No
<b>Kentucky</b>						
Supreme Court	Yes/No	No	No	No	No/Explore	No/Explore
Court of Appeals	Explore	No/Explore	No	No	Yes	No
<b>Louisiana</b>						
Supreme Court	Yes/Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeal, 1st Circuit	Yes/Yes	No	Yes	No	Yes	No
Court of Appeal, 2nd Circuit	Yes/Explore	No/Explore	No/Explore	No	Yes	No
Court of Appeal, 3rd Circuit	Yes/No	No	No	No	Yes	No
Court of Appeal, 5th Circuit	Yes/Yes	No	No	No	No	No
<b>Maine</b>						
Supreme Judicial Court	Yes/NA	Yes	Yes	No	No	No
<b>Maryland</b>						
Court of Appeals	Yes/Yes	Yes	Yes	No	Yes	No
Court of Special Appeals	Yes/Yes	Yes	Yes	No	No <sup>4</sup>	No
<b>Massachusetts</b>						
Supreme Judicial Court	Yes/Yes	No/Explore	No/Explore	No/Explore	Yes	No/Explore
Appeals Court	Yes/Yes	No	No	No	Yes	No
<b>Michigan</b>						
Supreme Court	Yes/Yes	Yes	No	No	Yes	No
Court of Appeals	Yes/Yes	Yes	No	Yes	No	No

Table 6.3 – The Use of Telecommunications in Appellate Courts (continued)

State/Court	This court's chambers or offices are linked electronically with:					
	Other appellate court chambers/offices	The state court administrator	Other courts in the state	Attorneys/law offices	Publishers	The media and the public
<b>Minnesota</b>						
Appellate Courts	Yes/Yes	Yes	Yes	Yes	No	No
<b>Mississippi</b>						
Supreme Court	Yes/Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes/Yes	Yes	Yes	Yes	Yes	Yes
<b>Missouri</b>						
Supreme Court	Yes/Yes	Yes	Yes		Yes	No
Court of Appeals, Eastern District	Yes/Yes	Yes	Yes	No	No	No
Court of Appeals, Southern District	No/No	No	No	No	Yes	No
Court of Appeals, Western District	No/No	No	No	No	Yes	No
<b>Montana</b>						
Supreme Court	Yes/Yes	Yes	No	No	No	No
<b>Nebraska</b>						
Supreme Court	Yes/Yes	Yes	No	No	No	No
<b>Nevada</b>						
Supreme Court	Yes/Yes	Yes	No	No	No	No
<b>New Hampshire</b>						
Supreme Court <sup>2</sup>	Yes/NA	Yes	No	No	No	No
<b>New Jersey</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	No	No
Superior Court, Appellate Division	Yes/Yes	Yes	Yes	No	No	No
<b>New Mexico</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	No	No
<b>New York</b>						
Court of Appeals	Yes/Yes	Yes	No	No	No	No
Supreme Court, Appellate Div., 1st Dept.	Yes/Yes	Yes	Yes	No	No	No
Supreme Court, Appellate Div., 2nd Dept.	Yes/Yes	No	No	No	No	No
Supreme Court, Appellate Div., 3rd Dept.	Yes/Yes	Yes	Yes	No	Yes	No
Supreme Court, Appellate Div., 4th Dept.	Yes/Yes	No	No	No	No	No
<b>North Carolina</b>						
Supreme Court <sup>1</sup>	Yes/Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes/Yes	Yes	Yes	Yes	Yes	Yes
<b>North Dakota</b>						
Supreme Court	Yes/NA	Yes	Yes	Yes	Yes	No
<b>Ohio</b>						
Supreme Court	Yes/No	Yes	No	No	Yes	No
Court of Appeals, 11th District	No/No	No	No	No	No	No

Table 6.3 – The Use of Telecommunications in Appellate Courts (continued)

State/Court	This court's chambers or offices are linked electronically with:					
	Other appellate court chambers/offices	The state court administrator	Other courts in the state	Attorneys/law offices	Publishers	The media and the public
<b>Oklahoma</b>						
Appellate Courts	No/No	No	No	No	No	No
<b>Oregon</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	No	No
<b>Pennsylvania</b>						
Supreme Court <sup>1</sup>	Yes/Yes	Yes	No	No	Yes	Yes
Commonwealth Court	Yes/Yes	Yes	No/Explore	No/Explore	Yes	No/Explore
Superior Court	Yes/Yes	Yes	No/Explore	No	Yes	No
<b>Rhode Island</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	Yes	No
<b>South Carolina</b>						
Supreme Court	No/Yes	Yes	No	No	No	No
Court of Appeals	Yes/Yes	Yes	No	No	No	No
<b>South Dakota</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	Yes	No
<b>Tennessee</b>						
Appellate Courts	No/Yes	Yes	No	No	No	No
<b>Texas</b>						
Supreme Court	Yes/Yes	Yes	Yes	Yes	Yes	Yes
Court of Criminal Appeals	No/No	No	No	No	Yes	No
Court of Appeals, 1st District	Yes/No	No	No	No	No	No
Court of Appeals, 2nd District	No/No	Yes	No	No	Yes	No
Court of Appeals, 3rd District	Yes/No	No	No	No	Yes	No
Court of Appeals, 4th District	No/No	No	No	No	Yes	No
Court of Appeals, 5th District <sup>2</sup>	Yes/No	Yes	No/Explore	No	Yes	Yes
Court of Appeals, 6th District	No/No	Yes	No	No	Yes	No
Court of Appeals, 7th District	No/Yes	Yes	No	No	Yes	No
Court of Appeals, 8th District	Yes/Explore	No	No	No	Yes	No
Court of Appeals, 9th District	Yes/Yes	Yes	No	No	Yes	No
Court of Appeals, 10th District	Yes/No	Yes	No	No	Yes	No
Court of Appeals, 11th District	No/No	No	Yes	No	Yes	No
Court of Appeals, 12th District	No/No	No	No	No	Yes	No
Court of Appeals, 13th District	Yes/Yes	Yes	No	No	Yes	No
Court of Appeals, 14th District	No/No	No	No	No	Yes	No
<b>Utah</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	Yes	Yes
Court of Appeals	Yes/Yes	Yes	Yes	No	Yes	No
<b>Vermont</b>						
Supreme Court	Yes/Yes	Yes	Yes	No	No	No

Table 6.3 – The Use of Telecommunications in Appellate Courts (continued)

State/Court	This court's chambers or offices are linked electronically with:					
	Other appellate court chambers/offices	The state court administrator	Other courts in the state	Attorneys/law offices	Publishers	The media and the public
<b>Virginia</b>						
Supreme Court	Yes/Yes	Yes	No	No	No	No
Court of Appeals	Yes/Yes	No/Explore	No/Explore	No	Yes	No
<b>Washington</b>						
Supreme Court	Yes/Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, Division 1	Yes/Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, Division 2	Yes/Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, Division 3	Yes/Yes	Yes	Yes	Yes	Yes	Yes
<b>West Virginia</b>						
Supreme Court of Appeals	Yes/Yes	Yes	No	No	No	Yes
<b>Wisconsin</b>						
Supreme Court and Court of Appeals	Yes/Yes	Yes	No	No	No	No
<b>Wyoming</b>						
Supreme Court	Yes/No	Yes	Yes	No	Yes	No
<b>Federal</b>						
U.S. Supreme Court	Yes/Yes	NA	NA	No	No	No
U.S. Court of Appeals, D.C. Circuit <sup>2</sup>	Yes/Yes	No	No	No	No	No
U.S. Court of Appeals, 1st Circuit						
U.S. Court of Appeals, 2nd Circuit	Yes/Yes	Yes	Yes	No	No	No
U.S. Court of Appeals, 3rd Circuit	Yes/Yes	Yes	Yes	No	Yes	No
U.S. Court of Appeals, 4th Circuit	Yes/Yes	Yes	Yes	No	No	No
U.S. Court of Appeals, 5th Circuit	Yes/Yes	No	Yes	No	Yes	No
U.S. Court of Appeals, 6th Circuit	Yes/Yes	No	NA	No	No	No
U.S. Court of Appeals, 7th Circuit	Yes/Yes	No	No <sup>6</sup>	No	No	No
U.S. Court of Appeals, 8th Circuit	Yes/Yes	Yes	Yes	Yes	Yes	No
U.S. Court of Appeals, 9th Circuit	Yes/Yes	Yes	Yes	No/Explore	Yes	Yes <sup>7</sup>
U.S. Court of Appeals, 10th Circuit	Yes/Yes	NA	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 11th Circuit	Yes/Yes	No	Yes	No	Yes	No
U.S. Air Force Court of Criminal Appeals <sup>5</sup>	Yes/Yes	NA	NA	Yes	Yes	Yes
U.S. Army Court of Criminal Appeals	Yes/Yes	No	No	Yes	Yes	No
U.S. Court of Appeals for the Armed Forces	Yes/No	No	No	No	Yes	No
U.S. Court of Veterans Appeals	Yes/No	No	No	No	Yes	No

**Endnotes**

<sup>1</sup> This court is linked with other state appellate courts via their web page.

<sup>2</sup> This court is linked with external offices via Internet e-mail.

<sup>3</sup> This court is electronically linked to a private printer of opinions.

<sup>4</sup> This court is linked electronically to JIS. From there, publishers can obtain opinions electronically.

<sup>5</sup> This court is linked with other federal appellate courts via their web page

<sup>6</sup> This court is linked electronically with district courts and clerks' offices.

<sup>7</sup> This court is linked to the Pacer/Bulletin Board.

**Table 6.4 – Information Provided Electronically in Appellate Courts**

<b>State/Court</b>	<b>Docket information</b>	<b>Calendars</b>	<b>Opinions</b>	<b>Court rules</b>
<b>Alabama</b>				
Supreme Court	No	No	Yes	Yes
Court of Civil Appeals	Yes	Yes	Yes	No
Court of Criminal Appeals	Yes	No	Yes	No
<b>Alaska</b>				
Supreme Court	No	Yes	Yes	Yes
<b>Arizona</b>				
Supreme Court	Yes	No	Yes	No
Court of Appeals, Division 1	Yes	Yes	Yes	No
Court of Appeals, Division 2	Yes	Yes	Yes	No
<b>Arkansas</b>				
Supreme Court	Yes	Yes	Yes	Yes
<b>California</b>				
Supreme Court	No	Yes	Yes	Yes
Court of Appeal, 1st District	Yes	Yes	Yes	Yes
Court of Appeal, 2nd District	No	No	Yes	Yes
Court of Appeal, 3rd District	No	No	Yes	No
Court of Appeal, 4th District	Yes	Yes	Yes	Yes
Court of Appeal, 5th District	Yes	No	Yes	Yes
Court of Appeal, 6th District	No	Yes	Yes	Yes
<b>Colorado</b>				
Supreme Court	No	No	Yes	No
Court of Appeals	No	No	Yes	No
<b>Connecticut</b>				
Supreme Court and Appellate Courts	No/Explore	No/Explore	Yes	No/Explore
<b>Delaware</b>				
Supreme Court	No	No	No	No
<b>District of Columbia</b>				
Court of Appeals	No	Yes	Yes	Yes
<b>Florida</b>				
Supreme Court	Yes	Yes	Yes	Yes
First District Court of Appeal	No/Explore	No	No	Yes
Second District Court of Appeal	Yes	Yes	Yes	Yes
Third District Court of Appeal	No	No	No	No
Fourth District Court of Appeal	Yes	Yes	Yes	No
Fifth District Court of Appeal	Yes	Yes	Yes	No
<b>Georgia</b>				
Supreme Court	No	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes
<b>Hawaii</b>				
Supreme Court	No/Explore	No/Explore	No/Explore	Yes

Table 6.4 – Information Provided Electronically in Appellate Courts (continued)

<b>State/Court</b>	<b>Docket information</b>	<b>Calendars</b>	<b>Opinions</b>	<b>Court rules</b>
<b>Idaho</b>				
Supreme Court	Yes	Yes	Yes	Yes
<b>Illinois</b>				
Supreme Court	No	No	Yes	No
Appellate Court, 1st District	No	No	No	No
Appellate Court, 2nd District	Yes	Yes	Yes	No
Appellate Court, 3rd District	No	No	No	No
Appellate Court, 4th District	Yes	Yes	No	No
Appellate Court, 5th District	Yes	Yes	Yes	No
<b>Indiana</b>				
Supreme Court	No	No	Yes	Yes
Court of Appeals	No	No	Yes	Yes
<b>Iowa</b>				
Supreme Court and Court of Appeals	No	No	Yes	Yes
<b>Kansas</b>				
Appellate Courts	No/Explore	Yes	Yes	Yes
<b>Kentucky</b>				
Supreme Court	No/Explore	No/Explore	No/Explore	No
Court of Appeals	No	No	No	No
<b>Louisiana</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeal, 1st Circuit	Yes	Yes	Yes	Yes
Court of Appeal, 2nd Circuit	Yes	Yes	Yes	Yes
Court of Appeal, 3rd Circuit	No	No	No	No
Court of Appeal, 5th Circuit	No	No	No	No
<b>Maine</b>				
Supreme Judicial Court	No/Explore	No/Explore	Yes	Yes/Sometimes
<b>Maryland</b>				
Court of Appeals	No	No	No	No
Court of Special Appeals	No	No	Yes	No
<b>Massachusetts</b>				
Supreme Judicial Court	No/Explore	No/Explore	Yes	No/Explore
Appeals Court	Yes	No	Yes	No
<b>Michigan</b>				
Supreme Court	No	No	Yes	Yes
Court of Appeals	Yes	Yes	Yes	No
<b>Minnesota</b>				
Appellate Courts	No	No	Yes	Yes



Table 6.4 – Information Provided Electronically in Appellate Courts (continued)

<b>State/Court</b>	<b>Docket information</b>	<b>Calendars</b>	<b>Opinions</b>	<b>Court rules</b>
<b>Mississippi</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes
<b>Missouri</b>				
Supreme Court	Yes	Yes	Yes	No
Court of Appeals, Eastern District	Yes	No	Yes	Yes
Court of Appeals, Southern District	No	No	Yes	No
Court of Appeals, Western District	No	No	No	No
<b>Montana</b>				
Supreme Court	Yes	No	Yes	No
<b>Nebraska</b>				
Supreme Court	Yes	Yes	Yes	Yes
<b>Nevada</b>				
Supreme Court	No	No	No	No
<b>New Hampshire</b>				
Supreme Court	No	Yes	Yes	Yes
<b>New Jersey</b>				
Supreme Court	No	Yes	Yes	Yes
Superior Court, Appellate Division	Yes	Yes	Yes	No
<b>New Mexico</b>				
Supreme Court	No	Yes	Yes	Yes
<b>New York</b>				
Court of Appeals	Yes	Yes	Yes	Yes
Supreme Court, Appellate Div., 1st Dept.	Yes	Yes	Yes	No/Explore
Supreme Court, Appellate Div., 2nd Dept.	Yes	Yes	Yes	Yes
Supreme Court, Appellate Div., 3rd Dept.	No	No	Yes	Yes
Supreme Court, Appellate Div., 4th Dept.	Yes	Yes	Yes	Yes
<b>North Carolina</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeals	No	No	Yes	No
<b>North Dakota</b>				
Supreme Court	No/Explore	Yes	Yes	Yes
<b>Ohio</b>				
Supreme Court	No/Explore	No/Explore	No/Explore	No/Explore
Court of Appeals, 11th District	No	No	No/Explore	No
<b>Oklahoma</b>				
Appellate Courts	No	No	No	Yes
<b>Oregon</b>				
Supreme Court	Yes	No	Yes	No

Table 6.4 – Information Provided Electronically in Appellate Courts (continued)

<b>State/Court</b>	<b>Docket information</b>	<b>Calendars</b>	<b>Opinions</b>	<b>Court rules</b>
<b>Pennsylvania</b>				
Supreme Court	No	No	Yes	Yes
Commonwealth Court	No/Explore	No/Explore	Yes	No/Explore
Superior Court	No	No	No/Explore	No
<b>Rhode Island</b>				
Supreme Court	Yes	Yes	Yes	Yes
<b>South Carolina</b>				
Supreme Court	No	No	No	No
Court of Appeals	No	No	No	No
<b>South Dakota</b>				
Supreme Court	No	Yes	Yes	Yes
<b>Tennessee</b>				
Appellate Courts	No	No	Yes	
<b>Texas</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Criminal Appeals	No	No	No	
Court of Appeals, 1st District	Yes	Yes	Yes	No
Court of Appeals, 2nd District	No	No	Yes	No
Court of Appeals, 3rd District	Yes	Yes	Yes	Yes
Court of Appeals, 4th District	No	No	Yes	No
Court of Appeals, 5th District	Yes	No	Yes	No
Court of Appeals, 6th District	Yes	Yes	Yes	No
Court of Appeals, 7th District	Yes	Yes	Yes	Yes
Court of Appeals, 8th District	Yes	Yes	Yes	Yes
Court of Appeals, 9th District	Yes	Yes	Yes	
Court of Appeals, 10th District	No	No	Yes	No
Court of Appeals, 11th District	No	No	No	No
Court of Appeals, 12th District	Yes	Yes	Yes	No
Court of Appeals, 13th District	No	No	Yes	No
Court of Appeals, 14th District	No	No	Yes	No
<b>Utah</b>				
Supreme Court	No	No	Yes	No
Court of Appeals	No/Explore	No/Explore	Yes	No/Explore
<b>Vermont</b>				
Supreme Court	Yes	Yes	Yes	Yes
<b>Virginia</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeals	No	No	Yes	No/Explore
<b>Washington</b>				
Supreme Court	Yes	Yes	Yes	Yes
Court of Appeals, Division 1	Yes	Yes	Yes	Yes
Court of Appeals, Division 2	Yes	Yes	Yes	Yes
Court of Appeals, Division 3	Yes	Yes	Yes	Yes

Table 6.4 – Information Provided Electronically in Appellate Courts (continued)

<b>State/Court</b>	<b>Docket information</b>	<b>Calendars</b>	<b>Opinions</b>	<b>Court rules</b>
<b>West Virginia</b>				
Supreme Court of Appeals	No	No	Yes	Yes
<b>Wisconsin</b>				
Supreme Court and Court of Appeals	No/Explore	Yes	Yes	Yes
<b>Wyoming</b>				
Supreme Court	No	Yes	Yes	Yes
<b>Federal</b>				
U.S. Supreme Court	Yes	Yes	Yes	Yes
U.S. Court of Appeals, D.C. Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 2nd Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 3rd Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 4th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 5th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 6th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 7th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 8th Circuit	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 9th District	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 10th District	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 11th Circuit	Yes	No	Yes	Yes
U.S. Air Force Court of Criminal Appeals	Yes	Yes	Yes	Yes
U.S. Army Court of Criminal Appeals	Yes	Yes	Yes	Yes
U.S. Court of Appeals for the Armed Forces	Yes	Yes	Yes	Yes
U.S. Court of Veterans Appeals	No	Yes	Yes	Yes

**Table 6.5 – The Management of Records in Appellate Courts**

State/Court	This court uses:					
	A document imaging system	Optical disk storage for maintaining electronic records	Computer-output microfiche	Microfilm for archiving records	Bar coding technology	CD-ROM storage media
<b>Alabama</b>						
Supreme Court	No	No	No	Yes	No	Yes
Court of Civil Appeals	Yes	Yes <sup>1</sup>	No	No	No	Yes
Court of Criminal Appeals	Yes	Yes <sup>2</sup>	No	Yes	No/Explore	Yes
<b>Alaska</b>						
Supreme Court	Yes	No	No	Yes	No	No
<b>Arizona</b>						
Supreme Court	No	No	No	Yes	No	No
Court of Appeals, Division 1	No	No	No	Yes	No	No
Court of Appeals, Division 2	Yes	No		Yes	No	No
<b>Arkansas</b>						
Supreme Court	Yes <sup>3</sup>	No	No	Yes	No	No
<b>California</b>						
Supreme Court	No	No	No	Yes	No	No
Court of Appeal, 1st District	No/Explore	No/Explore	Yes	Yes	No	No
Court of Appeal, 2nd District	No	No	No/Explore	Yes	No/Explore	No/Explore
Court of Appeal, 3rd District	No	No	No	No	No	No
Court of Appeal, 4th District	No	No	No	No	No	No
Court of Appeal, 5th District	No/Explore	Yes <sup>2</sup>	No	Yes	No/Explore	Yes <sup>4</sup>
Court of Appeal, 6th District	No	No/Explore	No	No/Explore	No	No
<b>Colorado</b>						
Supreme Court	No	No	No	No	No	No
Court of Appeals	No	No	No	No	No	No
<b>Connecticut</b>						
Supreme Court and Appellate Courts	No/Explore	No/Explore	No	Yes	No/Explore	No
<b>Delaware</b>						
Supreme Court	No	No	No	Yes	No	No
<b>District of Columbia</b>						
Court of Appeals	No	No	No	Yes	No	No
<b>Florida</b>						
Supreme Court	No	No	No	No	No	No
First District Court of Appeal	No	No	No	No	No	No
Second District Court of Appeal	No	Yes <sup>1</sup>	No	No	No	No
Third District Court of Appeal	No	No	No	No		
Fourth District Court of Appeal	No	No	No	No	No	No
Fifth District Court of Appeal	No	No	No	No	No	No
<b>Georgia</b>						
Supreme Court	No	No	No	Yes	No	No
Court of Appeals	No	No	No	Yes <sup>5</sup>	No	No

Table 6.5 – The Management of Records in Appellate Courts (continued)

State/Court	This court uses:					
	A document imaging system	Optical disk storage for maintaining electronic records	Computer-output microfiche	Microfilm for archiving records	Bar coding technology	CD-ROM storage media
<b>Hawaii</b>						
Supreme Court	No/Explore	No/Explore	No/Explore	Yes	No/Explore	No/Explore
<b>Idaho</b>						
Supreme Court	No	No	No	No	No	No
<b>Illinois</b>						
Supreme Court	No	No	No	Yes	No	Yes
Appellate Court, 1st District	No	No	Yes	Yes	No	Yes
Appellate Court, 2nd District	No	No	No	No	No	Yes
Appellate Court, 3rd District	No	No	No	No	No	Yes
Appellate Court, 4th District	No	No	No	No	No	Yes
Appellate Court, 5th District	No	No	No	No	No	Yes
<b>Indiana</b>						
Supreme Court	No	No	No	Yes	No	No
Court of Appeals	No					
<b>Iowa</b>						
Supreme Court and Court of Appeals	No	Yes	No	No	No	No
<b>Kansas</b>						
Appellate Courts	No	No	No	No	No	No
<b>Kentucky</b>						
Supreme Court	No	No	No	No	No	No
Court of Appeals	No	No	No	Yes	No/Explore	No
<b>Louisiana</b>						
Supreme Court	No	No	No	Yes	No	No
Court of Appeal, 1st Circuit	No/Explore	No	No	No	No	Yes
Court of Appeal, 2nd Circuit	No	No	No	No	Explore	No
Court of Appeal, 3rd Circuit	Yes <sup>6</sup>	No	No	No	No	No
Court of Appeal, 5th Circuit	No	No	No	No	No	No
<b>Maine</b>						
Supreme Judicial Court	No	No/Explore	No	No	No/Explore	No/Explore
<b>Maryland</b>						
Court of Appeals	No	No	No	No	No	No
Court of Special Appeals	No	No	No	No	No	No
<b>Massachusetts</b>						
Supreme Judicial Court	No	No	No	Yes	No	No
Appeals Court	Yes <sup>3</sup>	Yes <sup>1</sup>	No	Yes	No	Yes

Table 6.5 – The Management of Records in Appellate Courts (continued)

State/Court	This court uses:					
	A document imaging system	Optical disk storage for maintaining electronic records	Computer-output microfiche	Microfilm for archiving records	Bar coding technology	CD-ROM storage media
<b>Michigan</b>						
Supreme Court	No	No	No	No	No	No
Court of Appeals	No	No	No	Yes	Yes <sup>7</sup>	Yes
<b>Minnesota</b>						
Appellate Courts	No	No	No	No	No	No
<b>Mississippi</b>						
Supreme Court	Yes	Yes <sup>1</sup>	No	No	No	Yes
Court of Appeals	Yes	Yes <sup>1</sup>	No	No	No	Yes
<b>Missouri</b>						
Supreme Court	No	No	No	Yes	No	No
Court of Appeals, Eastern District	No/Explore	No	No	No	No	No
Court of Appeals, Southern District	No	No	No	No	No	No
Court of Appeals, Western District	No	No	No	No	No	No
<b>Montana</b>						
Supreme Court	No	No	No	Yes	No	Yes
<b>Nebraska</b>						
Supreme Court	No	No	No	No	No	No
<b>Nevada</b>						
Supreme Court	No/Explore	No	No	Yes	No	No
<b>New Hampshire</b>						
Supreme Court	Yes <sup>6</sup>	No	No	No	No	No
<b>New Jersey</b>						
Supreme Court	No/Explore	No/Explore	No/Explore	Yes	No/Explore	No/Explore
Superior Court, Appellate Division	No	No	No	Yes	No	No
<b>New Mexico</b>						
Supreme Court	Yes <sup>3</sup>	Yes <sup>2</sup>	Yes	Yes	No	Yes
<b>New York</b>						
Court of Appeals	No	No	No	No	No	No
Supreme Court, Appellate Div., 1st Dept.	No	No	No	Yes	No	No
Supreme Court, Appellate Div., 2nd Dept.	No	Yes <sup>1</sup>	No	Yes	No	No
Supreme Court, Appellate Div., 3rd Dept.	No	No	No	Yes	No	No
Supreme Court, Appellate Div., 4th Dept.	No	No	No	Yes	No	No
<b>North Carolina</b>						
Supreme Court	No/Explore	No	No/Explore	Yes	No	No/Explore
Court of Appeals	No	Yes <sup>1</sup>	No	No	No	No
<b>North Dakota</b>						
Supreme Court	No/Explore	No	No	No	No	No/Explore

Table 6.5 – The Management of Records in Appellate Courts (continued)

State/Court	This court uses:					
	A document imaging system	Optical disk storage for maintaining electronic records	Computer-output microfiche	Microfilm for archiving records	Bar coding technology	CD-ROM storage media
<b>Ohio</b>						
Supreme Court	No	No	No	No/Explore	No	No
Court of Appeals, 11th District	No	No	No	No	No	No
<b>Oklahoma</b>						
Appellate Courts	No	No	No	No	No	No
<b>Oregon</b>						
Supreme Court	No/Explore	No	No/Explore	Yes	No/Explore	No
<b>Pennsylvania</b>						
Supreme Court	No	No	No	Yes	Yes <sup>7</sup>	No
Commonwealth Court	No/Explore	No/Explore	No/Explore	Yes	No/Explore	No/Explore
Superior Court	No	No	No	No	No	No
<b>Rhode Island</b>						
Supreme Court	No	No	Yes	Yes	No	No
<b>South Carolina</b>						
Supreme Court	No	No	No	Yes	No	No
Court of Appeals	No	No	No	Yes	No	No
<b>South Dakota</b>						
Supreme Court	No	No	No	Yes	No	No
<b>Tennessee</b>						
Appellate Courts	No	No	No	No	No	No
<b>Texas</b>						
Supreme Court	No	No	No	No	No	No
Court of Criminal Appeals	No	No	No	No	No	No
Court of Appeals, 1st District	No	No	No	No	No	No
Court of Appeals, 2nd District	No/Explore	No	No	No	No	No/Explore
Court of Appeals, 3rd District	No	No	No	No	No	No
Court of Appeals, 4th District	No	Yes <sup>1</sup>	No	No	No	No
Court of Appeals, 5th District	No	No	No	No	No/Explore	Yes
Court of Appeals, 6th District	No	No	No	No	No	No
Court of Appeals, 7th District	No	No	No	No	No	No
Court of Appeals, 8th District	No/Explore	No/Explore	No/Explore	No	No	No/Explore
Court of Appeals, 9th District	No	No	No	No	No	No
Court of Appeals, 10th District	No/Explore	No	No	No	No	No
Court of Appeals, 11th District	No					
Court of Appeals, 12th District	No	No	No	No	No	No
Court of Appeals, 13th District	No	No	No	No	No	No
Court of Appeals, 14th District	No	No	No	No	No	Yes
<b>Utah</b>						
Supreme Court	No	No	Yes	Yes	No	No
Court of Appeals	No	No	No	No	No	No

Table 6.5 – The Management of Records in Appellate Courts (continued)

State/Court	This court uses:					
	A document imaging system	Optical disk storage for maintaining electronic records	Computer-output microfiche	Microfilm for archiving records	Bar coding technology	CD-ROM storage media
<b>Vermont</b>						
Supreme Court	No	No	No	No	No	No
<b>Virginia</b>						
Supreme Court	No	No	No	No	No	No
Court of Appeals	No	No	No	No	No/Explore	No
<b>Washington</b>						
Supreme Court	No	No	No	No	No	No
Court of Appeals, Division 1	No	No	No	No	No	No
Court of Appeals, Division 2	No	No	No	No	No	No
Court of Appeals, Division 3	No	No	No	No	No	No
<b>West Virginia</b>						
Supreme Court of Appeals	No	No	No	Yes	No	No
<b>Wisconsin</b>						
Supreme Court and Court of Appeals	No	No	No	No	No	No
<b>Wyoming</b>						
Supreme Court	No/Explore	No	No	Yes	No	No
<b>Federal</b>						
U.S. Supreme Court	Yes <sup>3</sup>	Yes <sup>8</sup>	No	Yes	No	Yes
U.S. Court of Appeals, D.C. Circuit	No	No	No	No	No/Explore	No/Explore
U.S. Court of Appeals, 2nd Circuit	No/Explore	No/Explore	No	Yes	No/Explore	No/Explore
U.S. Court of Appeals, 3rd Circuit	No	No	No	No	No	No
U.S. Court of Appeals, 4th Circuit	Yes <sup>6</sup>	No	No	No	No	Yes
U.S. Court of Appeals, 5th Circuit	Yes <sup>6</sup>	No	No	No	Yes	No
U.S. Court of Appeals, 6th Circuit	Yes <sup>6</sup>	No	No	No	Yes	No
U.S. Court of Appeals, 7th Circuit	No/Explore	No/Explore	No	No	No/Explore	No/Explore
U.S. Court of Appeals, 8th Circuit	Yes <sup>6</sup>	No	No	Yes	No	Yes
U.S. Court of Appeals, 9th Circuit	No	No	No	No	Yes	No
U.S. Court of Appeals, 10th Circuit	No	No	Yes	No	No	No
U.S. Court of Appeals, 11th Circuit	Yes <sup>6</sup>	No	No	No	No	No
U.S. Air Force Court of Criminal Appeals	No	No	No	No	Yes <sup>9</sup>	No
U.S. Army Court of Criminal Appeals	No	No	No	No	No	No
U.S. Court of Appeals for the Armed Forces	No	No	No	No	No	No
U.S. Court of Veterans Appeals	Yes	No	No	No	No/Explore	Yes



Table 6.5 – The Management of Records in Appellate Courts (continued)

**Notes**

The following courts use an automated records management process:

Arizona-Court of Appeals, Division 1: Uses CD-ROM for A.R.S.  
Florida-Court of Appeals, 1st District: Keeps the electronic CMS and case files indefinitely.  
Virginia-Supreme Court: Keeps some records archived on microfiche.

The following courts use videotaped records:

Alabama-Court of Civil Appeals  
Kentucky-Court of Appeals  
North Carolina-Court of Appeals  
Tennessee-Appellate Courts

**Endnotes**

<sup>1</sup> This court maintains active and inactive electronic records using optical disk storage.

<sup>2</sup> This court maintains inactive electronic records using optical disk storage.

<sup>3</sup> In this court, documents scanned with the court's document imaging system are used as the official court record.

<sup>4</sup> In this court, the use of CD-ROM storage media is limited to opinions.

<sup>5</sup> In this court, original court of appeals pleadings are archived on

microfilm. Duplicate records and transcripts are recycled one year after remittance date unless parties request a hold on the records for some reason.

<sup>6</sup> This court uses a document imaging system but does not use the documents as the official court record.

<sup>7</sup> This court uses bar coding technology for file tracking.

<sup>8</sup> This court maintains active electronic records using optical disk storage.

<sup>9</sup> This court uses bar coding technology for data entry.

**Table 6.6 – The Use of Technology for Oral Argument in Appellate Courts**

<b>State/Court</b>	<b>This court uses video conferences for oral argument</b>	<b>This court uses telephone conferences for oral argument</b>	<b>This court tapes oral argument sessions of record</b>
<b>Alabama</b>			
Supreme Court	No	No	Yes
Court of Civil Appeals	No	Yes	Yes
Court of Criminal Appeals	No/Explore	No	Yes
<b>Alaska</b>			
Supreme Court	No	Yes	Yes
<b>Arizona</b>			
Supreme Court	No	No	
Court of Appeals, Division 1	No	Yes	Yes
Court of Appeals, Division 2	No	Yes	No
<b>Arkansas</b>			
Supreme Court	No	No	Yes
<b>California</b>			
Supreme Court	No	No	No
Court of Appeal, 1st District	No	Yes	No
Court of Appeal, 2nd District	No/Explore	No/Explore	Yes
Court of Appeal, 3rd District	No	No	No
Court of Appeal, 4th District	Yes	No	Yes
Court of Appeal, 5th District	No	Yes	Yes
Court of Appeal, 6th District	No	Yes	Yes
<b>Colorado</b>			
Supreme Court	No	No	Yes
Court of Appeals	No	No/Explore	Yes
<b>Connecticut</b>			
Supreme Court and Appellate Courts	No	No	Yes
<b>Delaware</b>			
Supreme Court	No	No	Yes
<b>District of Columbia</b>			
Court of Appeals	No	No	Yes
<b>Florida</b>			
Supreme Court	No	No	Yes
First District Court of Appeal	Yes	No	Yes
Second District Court of Appeal	No	No	No
Third District Court of Appeal	No	No	No
Fourth District Court of Appeal	No	No	Yes
Fifth District Court of Appeal	No	No	No
<b>Georgia</b>			
Supreme Court	Yes	Yes	No
Court of Appeals	No	Yes	Yes

Table 6.6 – The Use of Technology for Oral Argument in Appellate Courts (continued)

<b>State/Court</b>	<b>This court uses video conferences for oral argument</b>	<b>This court uses telephone conferences for oral argument</b>	<b>This court tapes oral argument sessions of record</b>
<b>Hawaii</b>			
Supreme Court	No	No	Yes
<b>Idaho</b>			
Supreme Court and Court of Appeals	No/Explore	No <sup>1</sup>	Yes
<b>Illinois</b>			
Supreme Court	No	No	Yes
Appellate Court, 1st District	No	No	Yes
Appellate Court, 2nd District	No	No	No
Appellate Court, 3rd District	No	No	Yes
Appellate Court, 4th District	No	No	No
Appellate Court, 5th District	No	No	Yes
<b>Indiana</b>			
Supreme Court	No	No	No
Court of Appeals	No	No	No
<b>Iowa</b>			
Supreme Court and Court of Appeals	No	No	Yes
<b>Kansas</b>			
Appellate Courts	Yes <sup>2</sup>	Yes <sup>1</sup>	Yes
<b>Kentucky</b>			
Supreme Court	No	No	Yes
Court of Appeals	No	No	No
<b>Louisiana</b>			
Supreme Court	No	No	Yes
Court of Appeal, 1st Circuit	No/Explore	No	Yes
Court of Appeal, 2nd Circuit	No	No	Yes
Court of Appeal, 3rd Circuit	No	No	Yes
Court of Appeal, 5th Circuit	No	No	No
<b>Maine</b>			
Supreme Judicial Court	No	No/Explore	Yes
<b>Maryland</b>			
Court of Appeals	No	No	Yes
Court of Special Appeals	No	No	No
<b>Massachusetts</b>			
Supreme Judicial Court	No	No	Yes
Appeals Court	No	Yes	Yes
<b>Michigan</b>			
Supreme Court	No	No	Yes <sup>3</sup>
Court of Appeals	No	No	Yes

Table 6.6 – The Use of Technology for Oral Argument in Appellate Courts (continued)

<b>State/Court</b>	<b>This court uses video conferences for oral argument</b>	<b>This court uses telephone conferences for oral argument</b>	<b>This court tapes oral argument sessions of record</b>
<b>Minnesota</b>			
Appellate Courts	No/Explore	No	Yes
<b>Mississippi</b>			
Supreme Court	No/Explore	No	Yes
Court of Appeals	No/Explore	No	Yes
<b>Missouri</b>			
Supreme Court	No	No	Yes
Court of Appeals, Eastern District	No/Explore	No	No
Court of Appeals, Southern District	No	No	Yes
Court of Appeals, Western District	No	No	Yes
<b>Montana</b>			
Supreme Court	No	No	Yes
<b>Nebraska</b>			
Supreme Court	No	No	Yes
<b>Nevada</b>			
Supreme Court	No	No	Yes
<b>New Hampshire</b>			
Supreme Court	No	No	Yes
<b>New Jersey</b>			
Supreme Court	No	No	Yes
Superior Court, Appellate Division	No	Yes	No
<b>New Mexico</b>			
Supreme Court	No	No	Yes
<b>New York</b>			
Court of Appeals	No	No	Yes
Supreme Court, Appellate Division, 1st Dept.	No	No	No
Supreme Court, Appellate Division, 2nd Dept.	No/Explore	No	No
Supreme Court, Appellate Division, 3rd Dept.	No/Explore	No	No
Supreme Court, Appellate Division, 4th Dept.	No/Explore	No	No
<b>North Carolina</b>			
Supreme Court	No	No	Yes
Court of Appeals	No	No	No
<b>North Dakota</b>			
Supreme Court	No	No	Yes
<b>Ohio</b>			
Supreme Court	No	No	Yes
Court of Appeals, 11th District	No	No	No
<b>Oklahoma</b>			
Appellate Courts	No	No	Yes

Table 6.6 – The Use of Technology for Oral Argument in Appellate Courts (continued)

<b>State/Court</b>	<b>This court uses video conferences for oral argument</b>	<b>This court uses telephone conferences for oral argument</b>	<b>This court tapes oral argument sessions of record</b>
<b>Oregon</b>			
Supreme Court	No	No	Yes
<b>Pennsylvania</b>			
Supreme Court	No/Explore	No/Explore	No
Commonwealth Court	No/Explore	Yes	No
Superior Court	No	No	No
<b>Rhode Island</b>			
Supreme Court	No		No
<b>South Carolina</b>			
Supreme Court	No	No	Yes
Court of Appeals	No	No	Yes
<b>South Dakota</b>			
Supreme Court	No	No	Yes
<b>Tennessee</b>			
Appellate Courts	No	No	Yes
<b>Texas</b>			
Supreme Court	No	No	Yes
Court of Criminal Appeals	No	No	Yes
Court of Appeals, 1st District	No/Explore	No/Explore	No
Court of Appeals, 2nd District	No	No	No
Court of Appeals, 3rd District	No	No	No
Court of Appeals, 4th District	No	No	No
Court of Appeals, 5th District	No	No	No/Explore
Court of Appeals, 6th District	No	No	No
Court of Appeals, 7th District	No/Explore	No	Yes
Court of Appeals, 8th District	Yes	No	No
Court of Appeals, 9th District	No	No	No
Court of Appeals, 10th District	No/Explore	No	No
Court of Appeals, 11th District	No	No	No
Court of Appeals, 12th District	No	No	Yes
Court of Appeals, 13th District	No	No	Yes
Court of Appeals, 14th District	Yes	No	No
<b>Utah</b>			
Supreme Court	No	No	Yes
Court of Appeals	No/Explore	No/Explore	Yes
<b>Vermont</b>			
Supreme Court	No	Yes	Yes
<b>Virginia</b>			
Supreme Court	No	Yes	Yes
Court of Appeals	No	Yes	No

Table 6.6 – The Use of Technology for Oral Argument in Appellate Courts (continued)

<b>State/Court</b>	<b>This court uses video conferences for oral argument</b>	<b>This court uses telephone conferences for oral argument</b>	<b>This court tapes oral argument sessions of record</b>
<b>Washington</b>			
Supreme Court	No	No	Yes
Court of Appeals, Division 1	No	No	Yes
Court of Appeals, Division 2	No	Yes	Yes
Court of Appeals, Division 3	No	Yes	Yes
<b>West Virginia</b>			
Supreme Court of Appeals	No/Explore	No	No
<b>Wisconsin</b>			
Supreme Court and Court of Appeals	No	Yes	Yes
<b>Wyoming</b>			
Supreme Court	No	No	Yes
<b>Federal</b>			
U.S. Supreme Court	No	No	Yes
U.S. Court of Appeals, D.C. Circuit	No	Yes	Yes
U.S. Court of Appeals, 2nd Circuit	Yes	No/Explore	Yes
U.S. Court of Appeals, 3rd Circuit	No	Yes	Yes
U.S. Court of Appeals, 4th Circuit	No	Yes	Yes
U.S. Court of Appeals, 5th Circuit	No	No	Yes
U.S. Court of Appeals, 6th Circuit	No	Yes	Yes
U.S. Court of Appeals, 7th Circuit	No	Yes	Yes
U.S. Court of Appeals, 8th Circuit	No	Yes	Yes
U.S. Court of Appeals, 9th Circuit	No/Explore	Yes	Yes
U.S. Court of Appeals, 10th Circuit	No	Yes	Yes
U.S. Court of Appeals, 11th Circuit	No	No	Yes <sup>4</sup>
U.S. Air Force Court of Criminal Appeals	No	No	No
U.S. Army Court of Criminal Appeals	No	No	No
U.S. Court of Appeals for the Armed Forces	No	No	Yes
U.S. Court of Veterans Appeals	No	Yes	No

**Endnotes**

<sup>1</sup> The court of appeals uses telephone conferences for oral arguments; however, the supreme court does not.

<sup>2</sup> This court is conducting a pilot program on using video and telephone conferences for oral arguments.

<sup>3</sup> In this court, oral arguments are not sessions of record.

<sup>4</sup> In this court, oral argument sessions are audio-taped for court use only.

**Table 6.7 – Technology Used for Research in Appellate Courts**

<b>State/Court</b>	<b>Computer-assisted legal research services</b>	<b>CD-ROM libraries</b>	<b>CD-ROM database created by the court</b>	<b>Issue indexing</b>	<b>Public domain citation</b>
<b>Alabama</b>					
Supreme Court	Yes	Yes	No	Yes	Yes
Court of Civil Appeals	Yes	Yes	No	No	No
Court of Criminal Appeals	Yes	Yes	No	No	No
<b>Alaska</b>					
Supreme Court	Yes	Yes	No	Yes	No
<b>Arizona</b>					
Supreme Court	Yes	Yes	No	No	No
Court of Appeals, Division 1	Yes	Yes	No	Yes	Yes
Court of Appeals, Division 2	Yes	Yes	No	No	No
<b>Arkansas</b>					
Supreme Court	Yes	Yes	No	Yes	Yes
<b>California</b>					
Supreme Court	Yes	Yes	No	No	No
Court of Appeal, 1st District	Yes	Yes	No	Yes	Yes
Court of Appeal, 2nd District	Yes	Yes	No	No	No
Court of Appeal, 3rd District	Yes	Yes	No	No	No
Court of Appeal, 4th District	Yes	Yes	Yes	No	No
Court of Appeal, 5th District	Yes	Yes	No	No	No
Court of Appeal, 6th District	Yes	Yes	Yes	Yes	No
<b>Colorado</b>					
Supreme Court	Yes	Yes	No	Yes	Yes
Court of Appeals	Yes	Yes	No	Yes	Yes
<b>Connecticut</b>					
Supreme Court and Appellate Courts	Yes	Yes	No	Yes	Yes
<b>Delaware</b>					
Supreme Court	Yes	Yes	No	No	No
<b>District of Columbia</b>					
Court of Appeals	Yes	Yes	No	No	No
<b>Florida</b>					
Supreme Court	Yes	Yes	No	Yes	No
First District Court of Appeal	Yes	Yes	No	No/Explore	Yes
Second District Court of Appeal	Yes	Yes	No	Yes	No
Third District Court of Appeal	Yes	No	No	No	No
Fourth District Court of Appeal	Yes	Yes	No	No	No
Fifth District Court of Appeal	Yes	Yes	No		
<b>Georgia</b>					
Supreme Court	Yes	Yes	No	No	No
Court of Appeals	Yes	Yes	No	Yes	Yes

Table 6.7 – Technology Used for Research in Appellate Courts (continued)

State/Court	This court uses:				
	Computer-assisted legal research services	CD-ROM libraries	CD-ROM database created by the court	Issue indexing	Public domain citation
<b>Hawaii</b>					
Supreme Court	Yes	Yes	No/Explore	No/Explore	No/Explore
<b>Idaho</b>					
Supreme Court	Yes	Yes	No	No	Yes
<b>Illinois</b>					
Supreme Court	Yes	Yes	No	Yes	No
Appellate Court, 1st District	Yes	No	Yes	Yes	No
Appellate Court, 2nd District	Yes	Yes	No	Yes	No
Appellate Court, 3rd District	Yes	Yes	No	No	No
Appellate Court, 4th District	Yes	Yes	No	Yes	No
Appellate Court, 5th District	Yes	Yes	Yes	No	No
<b>Indiana</b>					
Supreme Court	Yes	Yes	No	No	No
Court of Appeals	Yes	Yes	No	No	No
<b>Iowa</b>					
Supreme Court and Court of Appeals	Yes	Yes	Yes	Yes	Yes
<b>Kansas</b>					
Appellate Courts	Yes	Yes	No	No	No
<b>Kentucky</b>					
Supreme Court	Yes	Yes	No/Explore	No	No
Court of Appeals	Yes	Yes	Yes	Yes	No
<b>Louisiana</b>					
Supreme Court	Yes	Yes	No		Yes
Court of Appeal, 1st Circuit	Yes	Yes	Yes	Yes	No
Court of Appeal, 2nd Circuit	Yes	Yes	No	No/Explore	Yes
Court of Appeal, 3rd Circuit	Yes	Yes	No	Yes	
Court of Appeal, 5th Circuit	Yes	Yes	No	No	No
<b>Maine</b>					
Supreme Judicial Court	Yes	Some	No	No	Yes
<b>Maryland</b>					
Court of Appeals	No	No	No	No	No
Court of Special Appeals	Yes	Yes	No	No	No
<b>Massachusetts</b>					
Supreme Judicial Court	Yes	Yes	No/Explore	Yes	Yes
Appeals Court	Yes	Yes	Yes	No	No
<b>Michigan</b>					
Supreme Court	Yes	Yes	No	Yes	No
Court of Appeals	Yes	Yes	No/Explore	No/Explore	No



Table 6.7 – Technology Used for Research in Appellate Courts (continued)

State/Court	This court uses:				
	Computer-assisted legal research services	CD-ROM libraries	CD-ROM database created by the court	Issue indexing	Public domain citation
<b>Minnesota</b>					
Appellate Courts	Yes	Yes	No	No	No
<b>Mississippi</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes
<b>Missouri</b>					
Supreme Court	Yes	Yes	No	No	No
Court of Appeals, Eastern District	Yes	Yes	No	No	No
Court of Appeals, Southern District	Yes	Yes	No	No	No
Court of Appeals, Western District	Yes	Yes	No	No	Yes
<b>Montana</b>					
Supreme Court	Yes	Yes	No	No/Explore	Yes
<b>Nebraska</b>					
Supreme Court	Yes	Yes	No	Yes	No
<b>Nevada</b>					
Supreme Court	Yes	Yes	No	Yes	Yes
<b>New Hampshire</b>					
Supreme Court	Yes	Yes	No	Yes	No
<b>New Jersey</b>					
Supreme Court	Yes	No	No	No	No
Superior Court, Appellate Division	Yes	No	No	Yes	No
<b>New Mexico</b>					
Supreme Court	Yes	Yes	No	Yes	Yes
<b>New York</b>					
Court of Appeals	Yes	Yes	No	Yes	No
Supreme Court, Appellate Div., 1st Dept.	Yes	Yes	No	No	Yes
Supreme Court, Appellate Div., 2nd Dept.	Yes	No	No	Yes	No
Supreme Court, Appellate Div., 3rd Dept.	Yes	Yes	No	No	No
Supreme Court, Appellate Div., 4th Dept.	Yes	Yes	No	Yes	Yes
<b>North Carolina</b>					
Supreme Court	Yes	Yes	No	No	Yes
Court of Appeals	Yes	Yes	Yes	No	No
<b>North Dakota</b>					
Supreme Court	Yes	Yes	No	Yes	Yes
<b>Ohio</b>					
Supreme Court	Yes	Yes	No	Yes	No
Court of Appeals, 11th District	Yes	Yes	No	Yes	No

Table 6.7 – Technology Used for Research in Appellate Courts (continued)

State/Court	This court uses:				
	Computer-assisted legal research services	CD-ROM libraries	CD-ROM database created by the court	Issue indexing	Public domain citation
<b>Oklahoma</b>					
Appellate Courts	Yes	Yes	No	No	Yes
<b>Oregon</b>					
Supreme Court	Yes	Yes	No/Explore	No/Explore	
<b>Pennsylvania</b>					
Supreme Court	Yes	Yes	No	Yes	No
Commonwealth Court	Yes	Yes	No/Explore	No/Explore	Yes
Superior Court	Yes	No	No	Yes	Yes
<b>Rhode Island</b>					
Supreme Court	Yes	Yes	No	No	Yes
<b>South Carolina</b>					
Supreme Court	Yes	Yes	No	No	No
Court of Appeals	Yes	Yes	No	No	No
<b>South Dakota</b>					
Supreme Court	Yes			Yes	
<b>Tennessee</b>					
Appellate Courts	No	Yes	No	No	No
<b>Texas</b>					
Supreme Court	Yes	Yes	No	No	No
Court of Criminal Appeals	Yes	Yes	No	No	No
Court of Appeals, 1st District	Yes	Yes	No	No	No
Court of Appeals, 2nd District	Yes	Yes	No	Yes	No
Court of Appeals, 3rd District	No	Yes	No	No	No
Court of Appeals, 4th District	Yes	Yes	No	No	No
Court of Appeals, 5th District	Yes	Yes	Yes	No	No
Court of Appeals, 6th District	Yes	Yes	No	No	No
Court of Appeals, 7th District	Yes	Yes	No	Yes	No
Court of Appeals, 8th District	Yes	Yes	No/Explore	No	No
Court of Appeals, 9th District	Yes	Yes	No	Yes	
Court of Appeals, 10th District	Yes	Yes	No	No	No
Court of Appeals, 11th District	Yes	Yes	No	No	No
Court of Appeals, 12th District	Yes	Yes	No	No	No
Court of Appeals, 13th District	Yes	Yes	No	No	No
Court of Appeals, 14th District	Yes	Yes	No		
<b>Utah</b>					
Supreme Court	Yes	Yes	No	Yes	No
Court of Appeals	Yes	No	No	No/Explore	No
<b>Vermont</b>					
Supreme Court	Yes	Yes	No	No	No

Table 6.7 – Technology Used for Research in Appellate Courts (continued)

State/Court	Computer-assisted legal research services	This court uses:			
		CD-ROM libraries	CD-ROM database created by the court	Issue indexing	Public domain citation
<b>Virginia</b>					
Supreme Court	Yes	Yes	No	Yes	No
Court of Appeals	Yes	Yes	No	No	No
<b>Washington</b>					
Supreme Court	Yes	No	No	No	Yes
Court of Appeals, Division 1	Yes	Yes	No	No	No
Court of Appeals, Division 2	Yes	Yes	No	No/Explore	
Court of Appeals, Division 3	Yes	Yes	No	No	
<b>West Virginia</b>					
Supreme Court of Appeals	Yes	Yes	Yes	No	No
<b>Wisconsin</b>					
Supreme Court and Court of Appeals	Yes	Yes	No	No	No/Explore
<b>Wyoming</b>					
Supreme Court	Yes	Yes	No	No/Explore	
<b>Federal</b>					
U.S. Supreme Court	Yes	Yes	No	No	No
U.S. Court of Appeals, D.C. District	Yes	Yes	No	No	No
U.S. Court of Appeals, 2nd Circuit	Yes	Yes	No	No/Explore	No/Explore
U.S. Court of Appeals, 3rd Circuit	Yes	Yes	No	No	No
U.S. Court of Appeals, 4th Circuit	Yes	Yes	No/Explore	No	
U.S. Court of Appeals, 5th Circuit	Yes	Yes	No	Yes	Yes
U.S. Court of Appeals, 6th Circuit	Yes	Yes	No	Yes	Yes
U.S. Court of Appeals, 7th Circuit	Yes	Yes	No	No	No
U.S. Court of Appeals, 8th Circuit	Yes	Yes	No	Yes	No
U.S. Court of Appeals, 9th Circuit	Yes	Yes	No	Yes	No
U.S. Court of Appeals, 10th Circuit	Yes	No	No	No	Yes
U.S. Court of Appeals, 11th Circuit	Yes	Yes	No	No	No
U.S. Air Force Court of Criminal Appeals	Yes	Yes	No	No	
U.S. Army Court of Criminal Appeals	Yes	Yes	No/Explore	No	No
U.S. Court of Appeals for the Armed Forces	Yes	No	No	Yes	Yes
U.S. Court of Veterans Appeals	Yes	Yes	No	Yes	No

**Table 6.8 – Automated Administrative Systems in Appellate Courts**

State/Court	Personnel system	Leave tracking/reporting system	Financial system	Travel and other vouchers	Attorney roll	Inventory system	This court is part of a statewide system
<b>Alabama</b>							
Supreme Court	Yes	No	Yes	Yes	No	Yes	Yes <sup>1</sup>
Court of Civil Appeals	Yes	Yes	Yes	Yes	Yes	Yes	No
Court of Criminal Appeals	Yes	No	Yes	Yes	Yes	Yes	No
<b>Alaska</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Arizona</b>							
Supreme Court <sup>2</sup>					No		
Court of Appeals, Division 1	No	No	Yes	Yes	No	Yes	Yes
Court of Appeals, Division 2	No	No	No	No	No	Yes	Yes
<b>Arkansas</b>							
Supreme Court	No	No	Yes	Yes	Yes	Yes	No
<b>California</b>							
Supreme Court	Yes	No	Yes	No	No	Yes	No
Court of Appeal, 1st District <sup>2</sup>							
Court of Appeal, 2nd District	No	No	No	No	No	No/Explore	No/Explore
Court of Appeal, 3rd District	No	No	Yes	No	No	No	No
Court of Appeal, 4th District	No	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeal, 5th District	Yes	Yes	Yes	No	No	No	Yes
Court of Appeal, 6th District	No	Yes	Yes	No	No	No	No
<b>Colorado</b>							
Supreme Court	No	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals	No	Yes	Yes	Yes	Yes	Yes	Yes
<b>Connecticut</b>							
Supreme Court and Appellate Courts <sup>2</sup>							Yes
<b>Delaware</b>							
Supreme Court	No	Yes	No	No	Yes	No	Yes
<b>District of Columbia</b>							
Court of Appeals	Yes	No	Yes	No	Yes	No	No
<b>Florida</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
First District Court of Appeal	Yes	Yes	Yes	No	Yes	Yes	Yes
Second District Court of Appeal	Yes	Yes	Yes	No	Yes	Yes	Yes
Third District Court of Appeal	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fourth District Court of Appeal	Yes	Yes	Yes	No	Yes	Yes	Yes
Fifth District Court of Appeal	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Georgia</b>							
Supreme Court	Yes	No	Yes	No	Yes	No	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Table 6.8 – Automated Administrative Systems in Appellate Courts (continued)

State/Court	Personnel system	Leave tracking/reporting system	Financial system	Travel and other vouchers	Attorney roll	Inventory system	This court is part of a statewide system
<b>Hawaii</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	No	No
<b>Idaho</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Illinois</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Appellate Court, 1st District	No	No	No	No	No	No	Yes
Appellate Court, 2nd District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Appellate Court, 3rd District	No	No	Yes	No	No	Yes	No
Appellate Court, 4th District	No	No	No	No	No	No	No
Appellate Court, 5th District	Yes	Yes	Yes	No	No	No	No
<b>Indiana</b>							
Supreme Court	No	No	Yes	Yes	Yes	Yes	No
Court of Appeals	No	No/Explore	No/Explore	No	No	No/Explore	No
<b>Iowa</b>							
Supreme Court and Court of Appeals	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Kansas</b>							
Appellate Courts	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Kentucky</b>							
Supreme Court	No	No	No	No	Yes	No	No
Court of Appeals	Yes	Yes	No	No	Yes	No	Yes
<b>Louisiana</b>							
Supreme Court	No	Yes	Yes	No	Yes	Yes	Yes <sup>3</sup>
Court of Appeal, 1st Circuit	Yes	Yes	Yes	No	No	Yes	No
Court of Appeal, 2nd Circuit	Yes	No/Explore	Yes	Yes	Yes	Yes	Yes
Court of Appeal, 3rd Circuit	No	Yes	Yes	Yes	Yes	No	No
Court of Appeal, 5th Circuit	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Maine</b>							
Supreme Judicial Court <sup>2</sup>							
<b>Maryland</b>							
Court of Appeals	No	No	No	No	No	No	No
Court of Special Appeals <sup>2</sup>							
<b>Massachusetts</b>							
Supreme Judicial Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Appeals Court	No	Yes	Yes	Yes	Yes	No	No
<b>Michigan</b>							
Supreme Court	Yes	Yes	Yes		Yes		Yes
Court of Appeals	No/Explore	No/Explore	No/Explore	No/Explore	Yes	No/Explore	No

Table 6.8 – Automated Administrative Systems in Appellate Courts (continued)

State/Court	Personnel system	Leave tracking/reporting system	Financial system	Travel and other vouchers	Attorney roll	Inventory system	This court is part of a statewide system
<b>Minnesota</b>							
Appellate Courts	Yes	Yes	Yes	Yes	Yes	No	Yes
<b>Mississippi</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Missouri</b>							
Supreme Court	Yes	Yes	Yes	No	Yes	Yes	No
Court of Appeals, Eastern District	Yes	No	No	No	Yes	Yes	No
Court of Appeals, Southern District	No	No	No	No	No	No	No
Court of Appeals, Western District	No	No	No	No	Yes	No	Yes
<b>Montana</b>							
Supreme Court	No	No	Yes	No	Yes	Yes	Yes
<b>Nebraska</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Nevada</b>							
Supreme Court	No	No	No	No	Yes	No	No
<b>New Hampshire</b>							
Supreme Court	Yes	Yes	Yes	Yes	No	Yes	Yes
<b>New Jersey</b>							
Supreme Court	Yes	Yes	No	Yes	Yes	Yes	Yes
Superior Court, Appellate Division	Yes	Yes	Yes	No	Yes	Yes	Yes
<b>New Mexico</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>New York</b>							
Court of Appeals	No	No	No	No	Yes	Yes	Yes
Supreme Court, Appellate Div., 1st Dept.	Yes	Yes	Yes	No	Yes	Yes	Yes
Supreme Court, Appellate Div., 2nd Dept.	Yes	No	Yes	Yes	Yes	No	No
Supreme Court, Appellate Div., 3rd Dept.	Yes	No	Yes	No	Yes	No	Yes
Supreme Court, Appellate Div., 4th Dept.	Yes	Yes	Yes	Yes	No	No	No
<b>North Carolina</b>							
Supreme Court	No	Yes	Yes	No	No	Yes	Yes
Court of Appeals	No	No	No	No	No	No	No
<b>North Dakota</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Ohio</b>							
Supreme Court	No	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 11th District	No	Yes	No	No	Yes	Yes	Yes

Table 6.8 – Automated Administrative Systems in Appellate Courts (continued)

State/Court	Personnel system	Leave tracking/reporting system	Financial system	Travel and other vouchers	Attorney roll	Inventory system	This court is part of a statewide system
<b>Oklahoma</b>							
Appellate Courts	yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Oregon</b>							
Supreme Court	Yes	Yes	Yes	Yes	No	No	Yes
<b>Pennsylvania</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	No
Commonwealth Court	Yes	Yes	Yes	Yes	No	Yes	Yes
Superior Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Rhode Island</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>South Carolina</b>							
Supreme Court	No	No	Yes	No	Yes		Yes
Court of Appeals <sup>2</sup>					Yes		No
<b>South Dakota</b>							
Supreme Court	No	No	No	No	Yes	No	No
<b>Tennessee</b>							
Appellate Courts	No	No	No	No	No	No	Yes
<b>Texas</b>							
Supreme Court	No	Yes	Yes	Yes	Yes	Yes	Yes
Court of Criminal Appeals	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 1st District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 2nd District	Yes	Yes	Yes	Yes	Yes	No	Yes
Court of Appeals, 3rd District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 4th District	Yes	Yes	Yes	Yes	No	Yes	Yes
Court of Appeals, 5th District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 6th District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 7th District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 8th District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 9th District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 10th District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 11th District	No	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 12th District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 13th District	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, 14th District	Yes	Yes	Yes	Yes		Yes	Yes
<b>Utah</b>							
Supreme Court	Yes	Yes	Yes	Yes	No	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Vermont</b>							
Supreme Court	Yes	Yes	Yes	No	Yes	No	Yes

Table 6.8 – Automated Administrative Systems in Appellate Courts (continued)

State/Court	Personnel system	Leave tracking/reporting system	Financial system	Travel and other vouchers	Attorney roll	Inventory system	This court is part of a statewide system
<b>Virginia</b>							
Supreme Court	Yes	Yes	Yes	Yes	No	No	Yes
Court of Appeals	Yes	Yes	Yes	Yes	No	Yes	Yes
<b>Washington</b>							
Supreme Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Court of Appeals, Division 1 <sup>2</sup>							
Court of Appeals, Division 2 <sup>2</sup>							
Court of Appeals, Division 3 <sup>2</sup>							
<b>West Virginia</b>							
Supreme Court of Appeals	No	No	No	No	No	No	No
<b>Wisconsin</b>							
Supreme Court and Court of Appeals	No	Yes	Yes	Yes	Yes	Yes	No
<b>Wyoming</b>							
Supreme Court	No	No	No	No	No	No	Yes
<b>Federal</b>							
U.S. Supreme Court	No	No	Yes	No	Yes	No	No
U.S. Court of Appeals, D.C. Circuit	No	Yes	Yes	Yes	Yes	No	No
U.S. Court of Appeals, 2nd Circuit	Yes	Yes	Yes	No	No	No	No
U.S. Court of Appeals, 3rd Circuit	Yes	Yes	Yes	Yes	No		Yes
U.S. Court of Appeals, 4th Circuit	No	Yes	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 5th Circuit	Yes	Yes	Yes	Yes	Yes	Yes	No
U.S. Court of Appeals, 6th Circuit	No	Yes	Yes	Yes	Yes	No	
U.S. Court of Appeals, 7th Circuit	Yes	Yes	Yes	No	Yes	No	No
U.S. Court of Appeals, 8th Circuit	Yes	Yes	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 9th Circuit	Yes	Yes	Yes	Yes			No
U.S. Court of Appeals, 10th Circuit	Yes	Yes	Yes	Yes	Yes	Yes	
U.S. Court of Appeals, 11th Circuit	Yes	No	Yes	Yes	Yes	No	No
U.S. Air Force Court of Criminal Appeals	No	No	No	No	Yes	Yes	No
U.S. Army Court of Criminal Appeals	No	No	No	No	Yes	No	No
U.S. Court of Appeals for the Armed Forces	Yes	Yes	No	Yes	Yes	No	No
U.S. Court of Veterans Appeals	No	Yes	Yes	Yes	Yes	No	No

**Endnotes**

<sup>1</sup> The financial and personnel systems in this court are linked to statewide systems.

<sup>2</sup> Automated administrative systems for this court are centralized or handled by the administrative office of the courts.

<sup>3</sup> The inventory tracking systems in this court are linked to the statewide system.



**Table 6.9 – Automation Capabilities in Appellate Courts**

<b>State/Court</b>	<b>In-house automation</b>	<b>In-house programming</b>	<b>In-house maintenance of computers</b>	<b>Staff access to personal computers</b>	<b>Access to laptop computers for judges</b>
<b>Alabama</b>					
Supreme Court	No	Yes	Yes	Yes	Yes
Court of Civil Appeals	Yes	Yes	Yes	Yes	Yes
Court of Criminal Appeals	Yes	Yes	Yes	Yes	Yes
<b>Alaska</b>					
Supreme Court	No	No	Yes	Yes	Yes
<b>Arizona</b>					
Supreme Court				No/Explore	
Court of Appeals, Division 1	Yes	Yes	Yes	Yes	Yes
Court of Appeals, Division 2	Yes	Yes	Yes	Yes	Yes
<b>Arkansas</b>					
Supreme Court	Yes	Yes	Yes	Yes	Some
<b>California</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeal, 1st District	Yes	No	Yes	Yes	Yes
Court of Appeal, 2nd District	Yes	No	No	Yes	Yes
Court of Appeal, 3rd District	Yes	Yes	Yes	Yes	Yes
Court of Appeal, 4th District	Yes	Yes	Yes	Yes	Yes
Court of Appeal, 5th District	Yes	Yes	Yes	Yes	Yes
Court of Appeal, 6th District	Yes	Yes	Yes	No	Yes
<b>Colorado</b>					
Supreme Court	No	No	No	Yes	No
Court of Appeals	No	No	No/Explore	Yes	No
<b>Connecticut</b>					
Supreme Court and Appellate Courts	Yes	No	No	Yes	Yes
<b>Delaware</b>					
Supreme Court	No	No	No	Yes	Yes
<b>District of Columbia</b>					
Court of Appeals	Yes	Yes	Yes	Yes	No
<b>Florida</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
First District Court of Appeal	Yes	No	Yes	Yes	Yes
Second District Court of Appeal	Yes	Yes (partial)	Yes	Yes	Yes
Third District Court of Appeal	Yes	Yes	Yes	Yes	Yes
Fourth District Court of Appeal	Yes	No	Yes	Yes	Yes
Fifth District Court of Appeal	Yes	No	Yes	Yes	Yes
<b>Georgia</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes

Table 6.9 – Automation Capabilities in Appellate Courts (continued)

State/Court	In-house automation	In-house programming	In-house maintenance of computers	Staff access to personal computers	Access to laptop computers for judges
<b>Hawaii</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
<b>Idaho</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
<b>Illinois</b>					
Supreme Court	Yes	Yes	Yes	Yes	No
Appellate Court, 1st District	Yes	No	Yes	Yes	No
Appellate Court, 2nd District	Yes	No	No	No	No
Appellate Court, 3rd District	Yes	No	No	Yes	No
Appellate Court, 4th District	Yes	No	No	Yes	No
Appellate Court, 5th District	No	No	No	Yes	No
<b>Indiana</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes
<b>Iowa</b>					
Supreme Court and Court of Appeals	Yes	Yes	Yes	Yes	Yes
<b>Kansas</b>					
Appellate Courts	Yes	Yes	Yes	Yes	Yes
<b>Kentucky</b>					
Supreme Court	No	No	No	Yes	Yes
Court of Appeals	No	No	No	Yes	Yes
<b>Louisiana</b>					
Supreme Court	No	Yes	Yes	Yes	Yes
Court of Appeal, 1st Circuit	Yes	Yes	Yes	Yes	Yes
Court of Appeal, 2nd Circuit	Yes	No/Explore	No/Explore	Yes	Yes
Court of Appeal, 3rd Circuit	Yes	Yes	No	Yes	Yes
Court of Appeal, 5th Circuit	No	No	Yes	Yes	No
<b>Maine</b>					
Supreme Judicial Court	No	No	No	Yes	Yes
<b>Maryland</b>					
Court of Appeals	No	No	No	Yes	Yes
Court of Special Appeals	Yes	Yes	No	Yes	No
<b>Massachusetts</b>					
Supreme Judicial Court	No/Explore	Yes	Yes	Yes	Yes
Appeals Court	Yes	No	No	Yes	Yes
<b>Michigan</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes
<b>Minnesota</b>					
Appellate Courts	Yes	Yes	Yes	Yes	Yes

Table 6.9 – Automation Capabilities in Appellate Courts (continued)

State/Court	In-house automation	In-house programming	In-house maintenance of computers	Staff access to personal computers	Access to laptop computers for judges
<b>Mississippi</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes
<b>Missouri</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeals, Eastern District	Yes	Yes	Yes	Yes	Yes
Court of Appeals, Southern District	No	No	No	Yes	Yes
Court of Appeals, Western District	No	No	Yes	Yes	Yes
<b>Montana</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
<b>Nebraska</b>					
Supreme Court	Yes	No	Yes	Yes	No
<b>Nevada</b>					
Supreme Court	Yes	No	Yes	Yes	Yes
<b>New Hampshire</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
<b>New Jersey</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Superior Court, Appellate Division	Yes	Yes	Yes	Yes	Yes
<b>New Mexico</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
<b>New York</b>					
Court of Appeals	Yes	No	Yes	Yes	Yes
Supreme Court, Appellate Div., 1st Dept.	Yes	Yes	Yes	Yes	Yes
Supreme Court, Appellate Div., 2nd Dept.	Yes	Yes	Yes	Yes	Yes
Supreme Court, Appellate Div., 3rd Dept.	Yes	Yes	Yes	Yes	No
Supreme Court, Appellate Div., 4th Dept.	Yes	Yes	Yes	Yes	Yes
<b>North Carolina</b>					
Supreme Court	Yes	Yes	Yes	Yes	No
Court of Appeals	Yes	Yes	Yes	Yes	No
<b>North Dakota</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
<b>Ohio</b>					
Supreme Court	No/Explore	Yes	Yes	Yes	Yes
Court of Appeals, 11th District	No	No	No	Yes	Yes
<b>Oklahoma</b>					
Appellate Courts	Yes	Yes	Yes	Yes	
<b>Oregon</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes

Table 6.9 – Automation Capabilities in Appellate Courts (continued)

State/Court	In-house automation	In-house programming	In-house maintenance of computers	Staff access to personal computers	Access to laptop computers for judges
<b>Pennsylvania</b>					
Supreme Court	Yes	No	Yes	Yes	Yes
Commonwealth Court	No	No/Explore	Yes	Yes	Yes
Superior Court	Yes	Yes	Yes	Yes	Yes
<b>Rhode Island</b>					
Supreme Court	Yes	Yes	Yes	Yes	No
<b>South Carolina</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes
<b>South Dakota</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
<b>Tennessee</b>					
Appellate Courts	No	No	Yes	Yes	Yes
<b>Texas</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Criminal Appeals	No	No	No	Yes	No
Court of Appeals, 1st District	Yes	Yes	Yes	Yes	No/Explore
Court of Appeals, 2nd District	No	No	Yes	Yes	No
Court of Appeals, 3rd District	No	No	Yes	Yes	No
Court of Appeals, 4th District	No	No	Yes	Yes	No
Court of Appeals, 5th District	No	Yes	Yes	Yes	No
Court of Appeals, 6th District	Yes	Yes	No	Yes	No
Court of Appeals, 7th District	No	Explore	Yes	Yes	No
Court of Appeals, 8th District	No/Explore	No	Yes	Yes	Yes
Court of Appeals, 9th District	Yes	No	Yes	Yes	Yes
Court of Appeals, 10th District	No	No	Yes	Yes	No/Explore
Court of Appeals, 11th District	No	No	Yes	Yes	Yes
Court of Appeals, 12th District	No	No	Yes	Yes	Yes
Court of Appeals, 13th District	Yes	No	No	Yes	No
Court of Appeals, 14th District	No	No	No	Yes	No
<b>Utah</b>					
Supreme Court	No	No	No	Yes	Yes
Court of Appeals	No	No	No	Yes	Yes
<b>Vermont</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
<b>Virginia</b>					
Supreme Court	Yes	Yes	No	Yes	Yes
Court of Appeals	Yes	Yes	Yes	Yes	Yes

Table 6.9 – Automation Capabilities in Appellate Courts (continued)

<b>State/Court</b>	<b>In-house automation</b>	<b>In-house programming</b>	<b>In-house maintenance of computers</b>	<b>Staff access to personal computers</b>	<b>Access to laptop computers for judges</b>
<b>Washington</b>					
Supreme Court	Yes	Yes	Yes	Yes	Yes
Court of Appeals, Division 1	No/Explore	Some	Yes	Yes	Yes
Court of Appeals, Division 2	No/Explore	Some	Yes	Yes	Yes
Court of Appeals, Division 3	No/Explore	Some	Yes	Yes	Yes
<b>West Virginia</b>					
Supreme Court of Appeals	No	Yes	Yes	Yes	Yes
<b>Wisconsin</b>					
Supreme Court and Court of Appeals	Yes	Yes	Yes	No	Yes
<b>Wyoming</b>					
Supreme Court	Yes	No	Yes	Yes	Yes
<b>Federal</b>					
U.S. Supreme Court	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, D.C. Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 2nd Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 3rd Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 4th Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 5th Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 6th Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 7th Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 8th Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 9th Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 10th Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Court of Appeals, 11th Circuit	Yes	Yes	Yes	Yes	Yes
U.S. Air Force Court of Criminal Appeals	No	No	No	Yes	Yes
U.S. Army Court of Criminal Appeals	No	No	No	No	Yes
U.S. Court of Appeals for the Armed Forces	Yes	Yes	Yes	Yes	Yes
U.S. Court of Veterans Appeals	Yes	Yes	Yes	Yes	Yes

**Table 6.10 – Location of Web Pages for Appellate Courts**

<b>State/Court</b>	<b>Internet Address</b>
<b>Alabama</b>	
Supreme Court	No web page
Court of Civil Appeals	No web page
Court of Criminal Appeals	No web page
<b>Alaska</b>	
Supreme Court	<a href="http://www.alaska.net/~akctlib/homepage.htm">http://www.alaska.net/~akctlib/homepage.htm</a>
<b>Arizona</b>	
Supreme Court	<a href="http://www.state.az.us/pages/judicial.htm">http://www.state.az.us/pages/judicial.htm</a>
Court of Appeals, Division 1	<a href="http://www.state.az.us/pages/judicial.htm">http://www.state.az.us/pages/judicial.htm</a>
Court of Appeals, Division 2	<a href="http://www.state.az.us/pages/judicial.htm">http://www.state.az.us/pages/judicial.htm</a>
<b>Arkansas</b>	
Supreme Court	<a href="http://www.state.ar.us/supremecourt">http://www.state.ar.us/supremecourt</a>
<b>California</b>	
Supreme Court	<a href="http://www.courtinfo.ca.gov/">http://www.courtinfo.ca.gov/</a>
Court of Appeal, 1st District	<a href="http://www.courtinfo.ca.gov/">http://www.courtinfo.ca.gov/</a>
Court of Appeal, 2nd District	<a href="http://www.courtinfo.ca.gov/">http://www.courtinfo.ca.gov/</a>
Court of Appeal, 3rd District	<a href="http://www.courtinfo.ca.gov/">http://www.courtinfo.ca.gov/</a>
Court of Appeal, 4th District	<a href="http://www.courtinfo.ca.gov/">http://www.courtinfo.ca.gov/</a>
Court of Appeal, 5th District	<a href="http://www.courtinfo.ca.gov/">http://www.courtinfo.ca.gov/</a>
Court of Appeal, 6th District	<a href="http://www.courtinfo.ca.gov/">http://www.courtinfo.ca.gov/</a>
<b>Delaware</b>	
Supreme Court	<a href="http://www.ncsc.dni.us/court/delaware/supreme.htm">http://www.ncsc.dni.us/court/delaware/supreme.htm</a>
<b>District of Columbia</b>	
Court of Appeals	Exploring
<b>Florida</b>	
Supreme Court	<a href="http://justice.courts.state.fl.us">http://justice.courts.state.fl.us</a>
First District Court of Appeal	<a href="http://justice.courts.state.fl.us">http://justice.courts.state.fl.us</a>
Third District Court of Appeal	<a href="http://justice.courts.state.fl.us">http://justice.courts.state.fl.us</a>
Fourth District Court of Appeal	<a href="http://www.justice.courts.state.fl.us/courts/4dca">http://www.justice.courts.state.fl.us/courts/4dca</a>
<b>Georgia</b>	
Supreme Court	<a href="http://www.state.ga.us/courts/supreme">http://www.state.ga.us/courts/supreme</a>
Court of Appeals	<a href="http://www.state.ga.us/court/supreme">http://www.state.ga.us/court/supreme</a>
<b>Hawaii</b>	
Supreme Court	<a href="http://www.Hawaii.gov/jud">http://www.Hawaii.gov/jud</a>
<b>Idaho</b>	
Supreme Court	<a href="http://www.idwr.state.id.us/judicial">http://www.idwr.state.id.us/judicial</a>
<b>Illinois</b>	
Supreme Court	<a href="http://www.state.il.us/court/">http://www.state.il.us/court/</a>
Appellate Court, 1st District	<a href="http://www.state.il.us/court/">http://www.state.il.us/court/</a>
Appellate Court, 2nd District	<a href="http://www.state.il.us/court/">http://www.state.il.us/court/</a>
Appellate Court, 3rd District	<a href="http://www.state.il.us/court/">http://www.state.il.us/court/</a>
Appellate Court, 4th District	<a href="http://www.state.il.us/court/">http://www.state.il.us/court/</a>
Appellate Court, 5th District	<a href="http://www.state.il.us/court/">http://www.state.il.us/court/</a>

Table 6.10 – Location of Web Pages for Appellate Courts (continued)

<b>State/Court</b>	<b>Internet Address</b>
<b>Indiana</b>	
Supreme Court	<a href="http://www.ai.org">http://www.ai.org</a>
Court of Appeals	<a href="http://www.ai.org">http://www.ai.org</a>
<b>Iowa</b>	
Supreme Court and Court of Appeals	Exploring
<b>Kansas</b>	
Appellate Courts	<a href="http://lawlib.wuacc.edu/kscases/kscases.htm">http://lawlib.wuacc.edu/kscases/kscases.htm</a>
<b>Kentucky</b>	
Supreme Court	Exploring
Court of Appeals	<a href="http://www.state.ky.us/agencies/aoc/default.htm">http://www.state.ky.us/agencies/aoc/default.htm</a>
<b>Louisiana</b>	
Supreme Court	<a href="http://www.lasc.org">http://www.lasc.org</a>
<b>Maine</b>	
Supreme Judicial Court	<a href="http://www.courts.state.me.us">http://www.courts.state.me.us</a>
<b>Maryland</b>	
Court of Appeals	<a href="http://www.courts.state.md.us">http://www.courts.state.md.us</a>
Court of Special Appeals	<a href="http://www.courts.state.md.us">http://www.courts.state.md.us</a>
<b>Massachusetts</b>	
Supreme Judicial Court	<a href="http://www.state.ma.us/courts">http://www.state.ma.us/courts</a>
Appeals Court	Exploring
<b>Michigan</b>	
Supreme Court	<a href="http://www.supremecourt.state.mi.us">http://www.supremecourt.state.mi.us</a>
Court of Appeals	Exploring
<b>Minnesota</b>	
Appellate Courts	<a href="http://www.courts.state.mn.us">http://www.courts.state.mn.us</a>
<b>Mississippi</b>	
Supreme Court and Court of Appeals	<a href="http://www.mssc.state.ms.us">http://www.mssc.state.ms.us</a>
<b>Missouri</b>	
Supreme Court	<a href="http://www.osca.state.mo.us">http://www.osca.state.mo.us</a>
Court of Appeals, Eastern District	<a href="http://www.osca.state.mo.us">http://www.osca.state.mo.us</a>
Court of Appeals, Southern District	<a href="http://www.osca.state.mo.us">http://www.osca.state.mo.us</a>
Court of Appeals, Western District	<a href="http://www.osca.state.mo.us">http://www.osca.state.mo.us</a>
<b>Montana</b>	
Supreme Court	<a href="http://www.lawlibrary.mt.gov">http://www.lawlibrary.mt.gov</a>
<b>Nebraska</b>	
Supreme Court	Exploring
<b>Nevada</b>	
Supreme Court	Exploring
<b>New Hampshire</b>	
Supreme Court	<a href="http://www.state.nh.us/courts/supreme.htm">http://www.state.nh.us/courts/supreme.htm</a>

Table 6.10 – Location of Web Pages for Appellate Courts (continued)

<b>State/Court</b>	<b>Internet Address</b>
<b>New Jersey</b>	
Supreme Court	<a href="http://www.state.nj.us/judiciary">http://www.state.nj.us/judiciary</a>
Superior Court, Appellate Division	<a href="http://www.state.nj.us/judiciary">http://www.state.nj.us/judiciary</a>
<b>New Mexico</b>	
Supreme Court	In process
<b>New York</b>	
Court of Appeals	<a href="http://www.law.cornell.edu/ny/ctap/overview.html">http://www.law.cornell.edu/ny/ctap/overview.html</a>
<b>North Carolina</b>	
Supreme Court	<a href="http://www.aoc.state.nc.us">http://www.aoc.state.nc.us</a>
Court of Appeals	<a href="http://www.aoc.state.nc.us">http://www.aoc.state.nc.us</a>
<b>North Dakota</b>	
Supreme Court	<a href="http://www.court.state.nd.us">http://www.court.state.nd.us</a>
<b>Ohio</b>	
Supreme Court	<a href="http://www.sconet.state.oh.us">http://www.sconet.state.oh.us</a>
Court of Appeals, 11th District	<a href="http://www.sconet.state.oh.us">http://www.sconet.state.oh.us</a>
<b>Oklahoma</b>	
Supreme Court	<a href="http://www.oscn.state.ok.us">http://www.oscn.state.ok.us</a>
Court of Criminal Appeals	<a href="http://www.occa.state.ok.us">http://www.occa.state.ok.us</a>
<b>Oregon</b>	
Supreme Court	Exploring
<b>Pennsylvania</b>	
Supreme Court	<a href="http://www.courts.state.pa.us">http://www.courts.state.pa.us</a>
Commonwealth Court	<a href="http://www.courts.state.pa.us">http://www.courts.state.pa.us</a>
Superior Court	<a href="http://www.courts.state.pa.us">http://www.courts.state.pa.us</a>
<b>Rhode Island</b>	
Supreme Court	In process
<b>South Carolina</b>	
Supreme Court	In process
Court of Appeals	In process
<b>South Dakota</b>	
Supreme Court	<a href="http://www.state.sd.us/state/Judicial">http://www.state.sd.us/state/Judicial</a>
<b>Tennessee</b>	
Appellate Courts	<a href="http://www.tsc.state.tn.us">http://www.tsc.state.tn.us</a>
<b>Texas</b>	
Supreme Court	<a href="http://www.courts.state.tx.us">http://www.courts.state.tx.us</a>
Court of Criminal Appeals	<a href="http://www.courts.state.tx.us">http://www.courts.state.tx.us</a>
Court of Appeals, 1st District	In process
Court of Appeals, 2nd District	Exploring
Court of Appeals, 5th District	<a href="http://www.courtstuff.com/5th">http://www.courtstuff.com/5th</a>



Table 6.10 – Location of Web Pages for Appellate Courts (continued)

<b>State/Court</b>	<b>Internet Address</b>
<b>Texas</b>	
Court of Appeals, 7th District	<a href="http://www.courts.state.tx.us/7thapp.html">http://www.courts.state.tx.us/7thapp.html</a>
Court of Appeals, 8th District	<a href="http://www.8thcoa.courts.state.tx.us">http://www.8thcoa.courts.state.tx.us</a>
Court of Appeals, 9th District	<a href="http://www.courts.state.tx.us/9thapp">http://www.courts.state.tx.us/9thapp</a>
Court of Appeals, 12th District	<a href="http://www.courts.state.tx.us/12thapp">http://www.courts.state.tx.us/12thapp</a>
Court of Appeals, 13th District	<a href="http://www.courts.state.tx.us/13thapp">http://www.courts.state.tx.us/13thapp</a>
<b>Utah</b>	
Supreme Court	<a href="http://courtlink.utcourts.gov">http://courtlink.utcourts.gov</a>
Court of Appeals	<a href="http://courtlink.utcourts.gov">http://courtlink.utcourts.gov</a>
<b>Vermont</b>	
Supreme Court	<a href="http://www.state.vt.us/courts/">http://www.state.vt.us/courts/</a>
<b>Virginia</b>	
Supreme Court	<a href="http://www.courts.state.va.us">http://www.courts.state.va.us</a>
Court of Appeals	<a href="http://www.courts.state.va.us">http://www.courts.state.va.us</a>
<b>Washington</b>	
Supreme Court	<a href="http://www.wa.gov/courts/">http://www.wa.gov/courts/</a>
Court of Appeals, Division 1	<a href="http://www.wa.gov/courts/">http://www.wa.gov/courts/</a>
Court of Appeals, Division 2	<a href="http://www.wa.gov/courts/">http://www.wa.gov/courts/</a>
Court of Appeals, Division 3	<a href="http://www.wa.gov/courts/">http://www.wa.gov/courts/</a>
<b>West Virginia</b>	
Supreme Court of Appeals	<a href="http://www.state.wv.us/wvsca">http://www.state.wv.us/wvsca</a>
<b>Wisconsin</b>	
Supreme Court and Court of Appeals	<a href="http://www.courts.state.wis">http://www.courts.state.wis</a>
<b>Wyoming</b>	
Supreme Court	<a href="http://www.courts.state.wy.us">http://www.courts.state.wy.us</a>
<b>Federal</b>	
U.S. Supreme Court	<a href="http://supct.law.cornell.edu/supct/index.html">http://supct.law.cornell.edu/supct/index.html</a>
U.S. Court of Appeals, D.C. Circuit	<a href="http://www.ll.georgetown.edu/Fed-Ct/cadc.html">http://www.ll.georgetown.edu/Fed-Ct/cadc.html</a>
U.S. Court of Appeals, 1st Circuit	<a href="http://www.law.emory.edu/1circuit/">http://www.law.emory.edu/1circuit/</a>
U.S. Court of Appeals, 4th Circuit	<a href="http://www.law.emory.edu/4circuit/">http://www.law.emory.edu/4circuit/</a>
U.S. Court of Appeals, 5th Circuit	<a href="http://www.law.utexas.edu/us5th/us5th.html">http://www.law.utexas.edu/us5th/us5th.html</a>
U.S. Court of Appeals, 6th Circuit	<a href="http://www.law.emory.edu/6circuit/">http://www.law.emory.edu/6circuit/</a>
U.S. Court of Appeals, 7th Circuit	<a href="http://www.kentlaw.edu/7circuit/">http://www.kentlaw.edu/7circuit/</a>
U.S. Court of Appeals, 8th Circuit	<a href="http://www.ls.wustl.edu/8th.cir/">http://www.ls.wustl.edu/8th.cir/</a>
U.S. Court of Appeals, 9th District	<a href="http://www.law.vill.edu/Fed-Ct/ca09.html">http://www.law.vill.edu/Fed-Ct/ca09.html</a>
U.S. Court of Appeals, 10th District	<a href="http://www.law.emory.edu/10circuit/">http://www.law.emory.edu/10circuit/</a>
U.S. Court of Appeals, 11th Circuit	<a href="http://www.ca11.uscourts.gov">http://www.ca11.uscourts.gov</a>
U.S. Air Force Court of Civil Appeals	<a href="http://afcca.law.as.mil">http://afcca.law.as.mil</a>
U.S. Court of Appeals for the Armed Forces	<a href="http://www.armfor.uscourts.gov">http://www.armfor.uscourts.gov</a>
U.S. Court of Veterans Appeals	Exploring

**Table 7.1 – Representation in Criminal Appeals**

<b>State</b>	<b>Representation of indigent appellants</b>	<b>Appointment of counsel on appeal</b>	<b>Time at which counsel is appointed</b>	<b>Method of selecting attorneys for court appointment</b>
<b>Alabama</b>	Indigent appellants are represented on appeal by trial counsel unless trial counsel is permitted to withdraw.	Counsel on appeal may be appointed by the trial court or appellate court.	Counsel appointed for the trial remains as attorney on appeal unless permitted by court order to withdraw.	In a few counties, the county public defender is appointed to represent criminal appellants. In others, an attorney from a Bar Association panel is appointed. Some counties have contract counsel.
<b>Alaska</b>	The State Public Defender Agency usually represents indigent appellants. The Office of the Public Advocacy, an agency of in the executive branch, contracts with law firms to represent indigent defendants when Public Defender has a conflict.	Counsel on appeal is appointed by the trial court.	If a change is necessary, it is usually made shortly after sentencing, sometimes before and sometimes after filing the notice of appeal.	–
<b>Arizona</b>	Indigent appellants are usually represented on appeal by trial counsel.	Counsel on appeal is appointed by the trial court.	Counsel is appointed at the time of filing the Notice of Appeal, or counsel appointed for the trial remains as attorney for appeal.	In the majority of cases the county Public Defender represents criminal appellants.
<b>Arkansas</b>	Indigent appellants are represented on appeal by trial counsel or new counsel.	Counsel on appeal is appointed by the trial court or by the COLR.	The counsel appointed for the trial remains as attorney on appeal unless relieved by COLR and new counsel appointed.	Solicitation by COLR.
<b>California</b>	Indigent appellants are usually represented on appeal by newly appointed counsel.	Counsel on appeal is appointed by the court of appeal.	Counsel is appointed shortly after filing notice of appeal.	An attorney from the appellate court panel is appointed.
<b>Colorado</b>	Indigent appellants are usually represented by the Colorado State Public Defender's Office.	Counsel on appeal is appointed by the trial court.	Trial court public defender usually turns the appeal over to appellate section of the public defender's office.	The State Public Defender is appointed to represent most indigent criminal appellants.
<b>Connecticut</b>	Most indigent appellants are defended by Public Defenders.	Counsel on appeal is appointed by the trial court.	Counsel is appointed at time of filing notice of appeal.	The public defender of a particular judicial district may be appointed to represent criminal appellants from that district or the central appellate office of the Public Defender may be involved.
<b>Delaware</b>	Indigent appellants are represented on direct appeal by their trial counsel unless otherwise ordered by the court.	Counsel on direct appeal is the same as trial counsel unless otherwise ordered by the court.	Counsel appointed for the trial remains as counsel on appeal.	The state public defender is appointed to represent appellants in criminal appeals unless a conflict exists, in which case a contract attorney is appointed.

Table 7.1 – Representation in Criminal Appeals (continued)

State	Representation of indigent appellants	Appointment of counsel on appeal	Time at which counsel is appointed	Method of selecting attorneys for court appointment
<b>District of Columbia</b>	Indigent appellants may be represented on appeal by counsel appointed and paid under the Criminal Justice Act or the Public Defender's Service.	Counsel for indigents are appointed by the appellate court.	Counsel is appointed shortly after filing notice of appeal.	In those cases not assigned to the Public Defender's Service and those in which trial counsel is not continuing to represent on appeal, counsel is appointed from those who have requested to represent criminal defendants under the Criminal Justice Act.
<b>Florida</b>	Indigent appellants are usually represented by the public defender's appellate division attorney appointed at sentencing.	Appointed by the trial court.	Counsel on appeal is appointed at sentencing.	A state public defender is appointed to represent indigent appellants in criminal appeals.
<b>Georgia</b>	Indigent appellants are usually represented on appeal by their trial counsel.	Appointed by the trial court.	Counsel is appointed at the time of sentencing or ruling on motion for a new trial.	The county public defender is available, or an attorney from a Bar Assn. panel is appointed to represent indigent defendants in criminal appeals.
<b>Hawaii</b>	Indigent appellants are usually represented on appeal by the office of the public defender or appointed counsel.	Appointed by the trial court.	Counsel appointed by trial court remains as counsel on appeal.	The state public defender represents criminal appellants unless disqualified. Private counsel approved by the courts are appointed if public defender disqualified.
<b>Idaho</b>	Indigent appellants are usually represented on appeal by their trial counsel.	Appointed by the trial court.	Counsel on appeal is appointed at time of filing notice of appeal, or after filing of record in supreme court or before by trial court to include appeal proceedings.	The county public defender or a private defender corporation is appointed to represent appellants in criminal cases.
<b>Illinois</b>	Indigent appellants are often represented on appeal by their appellate defender.	Counsel on appeal is appointed by the trial court or the appellate court.	Usually, the counsel appointed for the trial does not retain as counsel on appeal.	Either the county public defender, State Appellate Defender is appointed to represent indigent criminal appellants or COLR refers matter of appointment to the trial court.
<b>Indiana</b>	Indigent appellants are usually represented on appeal by their trial counsel.	Appointed by the trial court.	Counsel on appeal may be appointed after judgment is entered.	The state or county public defender represents indigents in criminal appeals.

Table 7.1 – Representation in Criminal Appeals (continued)

<b>State</b>	<b>Representation of indigent appellants</b>	<b>Appointment of counsel on appeal</b>	<b>Time at which counsel is appointed</b>	<b>Method of selecting attorneys for court appointment</b>
<b>Iowa</b>	Indigent appellants are usually represented on appeal by the State Appellate Defender's Office or other appointed counsel.	Appointed by the trial court.	Counsel is appointed at or about the time of filing the notice of appeal.	An attorney from the Bar Assoc. panel, the State Appellate Defender's Office or a county public defender is appointed to represent criminal appellants.
<b>Kansas</b>	Indigent appellants are usually represented on appeal by the Appellate Defender's office.	Counsel on appeal is appointed by the trial court.	Counsel is appointed shortly after filing the notice of appeal.	An attorney from a panel is appointed to represent criminal appellant if the appellate defender had a conflict.
<b>Kentucky</b>	Indigent appellants are usually represented by state Department of Public Advocacy.	Counsel on appeal is appointed by the trial court judge.	Usually counsel is appointed after the filing of the notice of appeal.	On appeal, the court appoints the office of the Public Advocate. That office then assigns the appeal to an employee or a contract attorney.
<b>Louisiana</b>	Indigent appellants are usually represented on appeal by appointed counsel.	Counsel on appeal is appointed by the trial court.	Counsel of the Public Defender Office is usually appointed at time of trial and continue through the appeal process. However, most jurisdictions now turn all appeals over to the Louisiana Appellate Project at the time the appeal is taken.	Generally attorneys that are employed or have volunteered to be considered by the Public Defender Office or Indigent Defender Board and attorneys that are employed on a contractual basis to work with the Louisiana Appellate Project.
<b>Maine</b>	Indigent appellants are usually represented on appeal by trial counsel.	Counsel on appeal is appointed by the trial court only if trial counsel permitted to withdraw.	Varies.	Selection of appointed counsel is by the trial judge, who makes use of informal lists of counsel willing to take appointments and his own knowledge of local attorneys.
<b>Maryland</b>	Indigent appellants are usually represented by the appellate division of the Public Defender's Office.	Counsel on appeal is appointed by the state public defender.	Public Defender's Office enters appearance for appeal after notice of appeal is filed by trial counsel or pro se appellant.	Policy within Public Defender's Office—appellate court not involved.
<b>Massachusetts</b>	Indigent appellants are usually represented on appeal by trial counsel, or newly appointed counsel.	Counsel on appeal may be appointed either by the trial court or the appellate court.	Counsel may be appointed at the time of filing the notice of appeal or after the appeal is docketed in the supreme judicial court, if trial court counsel has been permitted to withdraw from the appeal.	Court appoints committee for Public Counsel services which assigns from its staff or list of approved private counsel.

Table 7.1 – Representation in Criminal Appeals (continued)

<b>State</b>	<b>Representation of indigent appellants</b>	<b>Appointment of counsel on appeal</b>	<b>Time at which counsel is appointed</b>	<b>Method of selecting attorneys for court appointment</b>
<b>Michigan</b>	At the court of appeals, indigent appellants are usually represented on appeal by new counsel.	Counsel on appeal is appointed by the trial court.	Counsel on appeal is appointed upon written request of appellant.	An attorney from the state appellate defender's office or from a Michigan appellate assigned counsel is appointed to represent in criminal appellants.
<b>Minnesota</b>	Indigent appellants are usually represented on appeal by new counsel.	The Public Defender handles the bulk of appeals.	Counsel is appointed before filing criminal appeal.	The state public defender is appointed to represent indigent criminal appellants.
<b>Mississippi</b>	Indigent appellants are usually represented on appeal by trial counsel.	Counsel on appeal is appointed by the trial court.	Attorney in trial court remains as attorney on appeal if appointed by trial judge.	–
<b>Missouri</b>	Indigent appellants are usually represented on appeal by trial counsel when public defender is involved. They are represented on appeal by appointed counsel if declared indigent after conviction at trial level.	Counsel on appeal is usually appointed by the Public Defender Commission.	Counsel on appeal is appointed at the time of filing notice of appeal.	The county public defender is appointed to represent most indigent criminal appellants.
<b>Montana</b>	Indigent appellants are usually represented on appeal by trial counsel or appellate defender.	Appointed by the trial court.	Counsel on appeal for the trial remains as attorney on appeal.	The county public defender is appointed to represent criminal appellants.
<b>Nebraska</b>	Indigent appellants are usually represented on appeal by trial counsel.	Appointed by the trial court.	Counsel on appeal is appointed shortly after filing notice of appeal.	The county public defender is appointed to represent criminal appellants.
<b>Nevada</b>	Indigent appellants are usually represented by counsel only in direct appeals of judgment of conviction. For fast track appeals, trial counsel is required to represent defendant on appeal.	Appointed by the trial court, or by the appellate court.	Counsel appointed for trial remains attorney on appeal in fast track appeals, otherwise reappointment is necessary.	The county public defender or state public defender is appointed to represent criminal appellants. Private counsel is appointed in cases of conflict.
<b>New Hampshire</b>	The Appellate Defender usually represents indigents on appeal.	Counsel for indigents on appeal is appointed by the Supreme Court.	In direct appeals, counsel is appointed on filing of appeal; in collateral attacks, counsel is appointed on acceptance of case for briefing and argument.	The Appellate Defender is usually appointed to represent indigent appellants. If unavailable, a contract attorney is appointed. If none, any member of the bar.
<b>New Jersey</b>	The Public Defender's Office usually represents indigent appellants on appeal.	Indigent appellants formerly represented by private counsel are referred to Public Defender's Office.	Counsel on appeal is appointed by the trial court and remain as attorneys on appeal, through filing of appeal only.	The State Public Defender is appointed to represent criminal appellants. Also use members of Association of Criminal Defense Lawyers.

Table 7.1 – Representation in Criminal Appeals (continued)

<b>State</b>	<b>Representation of indigent appellants</b>	<b>Appointment of counsel on appeal</b>	<b>Time at which counsel is appointed</b>	<b>Method of selecting attorneys for court appointment</b>
<b>New Mexico</b>	Indigent appellants are represented by the appellate public defender's office or by that office's appointment of contract attorney.	Counsel on appeal is appointed by the trial court or upon motion filed with the appellate court.	Counsel is appointed shortly after filing notice of appeal.	The state public defender is appointed to represent indigents in criminal appeals.
<b>New York</b>	Indigent appellants can be represented by assigned counsel.	Counsel on appeal is appointed by the appellate court.	Counsel is appointed after defendant is granted permission to appeal as an indigent.	The county public defender or an attorney from an appeals panel list is appointed to represent appellants in criminal appeals. In the COLR, assignment from IAC usually continues.
<b>North Carolina</b>	Representation is by trial counsel or the State Appellate Defender's Office or other appointed counsel.	Counsel on appeal is appointed by the trial court.	Counsel is appointed shortly after filing notice of appeal. Sometimes counsel appointed for trial remains as attorney on appeal.	This is at trial court's discretion.
<b>North Dakota</b>	Usually represented by court appointed counsel.	Appointed by the trial court.	Generally, counsel must also be separately appointed for the appeal; however, counsel appointed for trial may sometimes remain counsel for the appeal.	Under contract to represent indigents on an annual basis.
<b>Ohio</b>	In the COLR, not usually represented unless case is scheduled for argument. In the IAC, the indigents Usually represented by trial counsel.	In the COLR, appointed by supreme court or appellate court. In the IAC, appointed by the trial court and the appellate court.	In court of appeals or when supreme court allows the appeal.	In the COLR, the public defender or attorney appointed by court of appeals. In the IAC, either the county public defender, an attorney from a Bar Association panel, an attorney from a private corporation, or an attorney from the appellate court panel.
<b>Oklahoma</b>	Usually represented by trial court.	Appointed by the trial court.	Counsel appointed for trial remains as attorney on appeal.	In Oklahoma and Tulsa counties the county public defender is appointed to represent criminal appellants. In other counties, the appellate public defender is appointed.
<b>Oregon</b>	Indigent appellants are usually represented by the state public defender.	Counsel for defendant is appointed by trial court.	Varies; often state public defender appointed prior to notice of appeal.	Either the county public defender, state public defender, or an attorney from a Bar Association panel is appointed (almost always, the state public defender).

Table 7.1 – Representation in Criminal Appeals (continued)

<b>State</b>	<b>Representation of indigent appellants</b>	<b>Appointment of counsel on appeal</b>	<b>Time at which counsel is appointed</b>	<b>Method of selecting attorneys for court appointment</b>
<b>Pennsylvania<sup>1</sup></b>	Usually represented by appointed counsel.	Counsel for defendant is appointed by trial court.	Counsel appointed for trial remains as attorney on appeal unless request for new counsel is made and granted.	Either the county public defender or private counsel are appointed to represent criminal appellants.
<b>Rhode Island</b>	Must seek appointment in the supreme court.	Appointed by state public defender.	Private attorney must seek reappointment in supreme court upon docketing of the appeal.	The state public defender is appointed to represent criminal appellants except where there is a conflict. The court will then appointed private counsel. Supreme court maintains a list of attorneys who meet the rules standards.
<b>South Carolina</b>	Indigent appellants are usually represented by the South Carolina Office of Appellate Defense, a state agency.	The South Carolina Office of Appellate Defense represents indigent defendants after determining their indigency status.	Trial counsel automatically is relieved after conviction if counsel was court-appointed or the public defender, and the Office of Appellate Defense assumes control of the case. Retained counsel may withdraw after conviction if the defendant is determined to be indigent; otherwise retained counsel must seek the appellate court's permission to withdraw.	If the Office of Appellate Defense is unable to represent a criminal defendant due to conflict, the appellate court may appoint a private attorney.
<b>South Dakota</b>	Indigent appellants are usually represented by trial counsel.	Appointed by the trial court.	Counsel appointed for trial usually remains as attorney on appeal.	The county public defender (at times), or an attorney from Bar. Public defenders are not available in many areas of the state.
<b>Tennessee</b>	Indigent appellants are usually represented by trial counsel.	Appointed by the trial court.	Counsel appointed for trial remains as attorney on appeal.	The state public defender or an attorney from a Bar Association panel is appointed to represent criminal appellants.
<b>Texas</b>	Trial court appoints trial counsel and appellate counsel.	Done by trial court except in death penalty cases when done by court of criminal appeals.	Varies.	An attorney from the Bar Association is appointed to represent indigent criminal appellants. No pool or panel exists.
<b>Utah</b>	Usually represented on appeal by trial counsel who is public defender.	Appointed by trial court judge.	Appointed at time of filing notice of appeal.	The county public defenders are generally appointed to represent criminal appellants.
<b>Vermont</b>	Usually represented by appellant attorney in Defender General's Office.	Counsel is appointed by the state Defender General.	Counsel is appointed shortly after filing notice of appeal.	The state appellate attorney is usually appointed to represent criminal appellants.

Table 7.1 – Representation in Criminal Appeals (continued)

State	Representation of indigent appellants	Appointment of counsel on appeal	Time at which counsel is appointed	Method of selecting attorneys for court appointment
<b>Virginia</b>	Usually represented on appeal by trial counsel.	Appointed by the trial court, unless specifically relieved by court order.	Counsel appointed for trial remains as attorney on appeal.	From Public Defender's Office or from list of counsel who agree to be appointed.
<b>Washington</b>	Usually represented on appeal by trial counsel.	Appointed by the trial court or by contract with the office of Public Defense.	Either appointed in the order finding indigency or after the notice of appeal has been filed under the terms of the contract.	Trial court judge selects attorney either by appointing local attorney or delegating to county public defender.
<b>West Virginia</b>	Usually represented on appeal by trial counsel however, there is increased use of new appellate counsel.	Appointed by the trial court.	Counsel appointed for trial usually remains as attorney on appeal.	Not applicable.
<b>Wisconsin</b>	Usually represented by state public defender.	Appointed by state public defender (if eligible).	Defendant is referred to state public defender upon inquiry re appeal process.	State public defender represents indigent criminal appellants.
<b>Wyoming</b>	Usually represented by state public defender.	If district court has found defendant qualified to proceed in forma pauperis, he may proceed without further application to the reviewing court, and without payment of fees or costs.	The Office of State Public Defender is notified when criminal appeals are filed.	Appellate counsel of state public defender automatically represent appellants and may request the assistance of the WY Defender Aid Program (U of WY).
<b>Federal</b>				
U.S. Supreme Court	Indigent appellants may be represented on appeal by counsel appointed and paid under the Criminal Justice Act.	This court does not appoint counsel for the filing of a petition for a writ of certiorari.	After petition for certiorari has been granted in rare cases.	If counsel is to be appointed for oral argument the court will select an attorney.
U.S. Courts of Appeals	Same as above.	Court continues appointment from case below or appoints substitute counsel.	In most instances counsel are continued on appeal under Criminal Justice Act.	In those cases not assigned to the Public Defender's Service and those in which trial counsel is not continuing to represent on appeal, counsel is appt. from those who have requested to represent criminal defendants under the Criminal Justice Act.
U.S. Air Force Court of Criminal Appeals	Military appellate defense counsel is available free of charge to all appellants. At the end of a court-martial the appellant is offered the opportunity to request military appellate counsel in writing. The request is forwarded to the Air Force Appellate Defense Division where counsel are appointed, after insuring there are no conflicts of interest.	Military appellate defense counsel are detailed by the head of the Air Force Appellate Defense Division on behalf of the Judge Advocate General of the Air Force. <sup>2</sup>	Counsel is appointed when requested by the accused.	Attorneys are appointed free of charge at the request of the appellant.



Table 7.1 – Representation in Criminal Appeals (continued)

State	Representation of indigent appellants	Appointment of counsel on appeal	Time at which counsel is appointed	Method of selecting attorneys for court appointment
<b>Federal</b> U.S. Army Court of Criminal Appeals	The Office of the Judge Advocate General of the Army includes a Defense Appellate Division, led and staffed by experienced lawyers on active duty in the Judge Advocate General Corps.	Appointed by Judge Advocate General Corps.	When record of trial is received for appellate review by the Court, the clerk delivers one copy to the division, where after a check for conflict of interest, principal counsel for the appellant is designated.	Appointed free of charge by the Judge Advocate General Corps.
U.S. Court of Veterans Appeals	Not applicable.	Not applicable.	Not applicable.	Not applicable.

**Endnotes**

<sup>1</sup> Commonwealth court does not hear criminal appeals. However, it does handle appeals from the Board of Probation and Parole and Department of Corrections. Attorneys from the Public Defender's Office of the county in which the inmate is incarcerated are appointed.

<sup>2</sup> This counsel may represent the appellant before the AFCCA, as well as U.S. Court of Appeals for the Armed Forces, and potentially before the U.S. Supreme Court. The appellant may waive as signed military counsel and appear before the AFCCA with "no counsel" or with civilian counsel hired at his or her own expense.

**Table 7.2 – Fees for Court-Appointed Attorneys**

<b>State</b>	<b>Method of determining fee of court-appointed attorneys</b>	<b>Source of funds for payment of court-appointed attorneys</b>	<b>Average fee paid to court-appointed counsel in intermediate appellate court</b>	<b>Average fee paid to court-appointed counsel in court of last resort</b>
<b>Alabama</b>	Court-appointed counsel is paid by the state at a rate established by statute.	Court-appointed counsel is paid by the state fair trial tax fund which is funded by state general fund and from a portion of the docket fee in all civil and criminal cases.	The average fee paid to appointed counsel in IAC last year was \$1000 (estimate).	The average fee paid to appointed counsel in the COLR last year was \$1000 (estimate).
<b>Alaska</b>	–	Funds for this purpose are appropriated by the legislature from the general fund of the state.	Executive Branch pays court-appointed attorneys.	Executive Branch pays court-appointed attorneys.
<b>Arizona</b>	–	Compensation for appointed counsel is paid by the county.	Not available.	Not available.
<b>Arkansas</b>	The fee for court-appointed counsel is fixed by motion of the attorney and the appellate court.	Compensation for the court-appointed counsel is paid by a legislative appropriation made to COLR.	Not applicable.	Anywhere from \$500 to \$5000.
<b>California</b>	The fee for court-appointed counsel is fixed by the court of appeal unless state public defender was appointed.	Compensation is paid by the state.	The average fee paid to appointed counsel in IAC last year was \$3,000 (estimate).	Not available.
<b>Colorado</b>	The fee is fixed by the trial judge from a schedule promulgated by the supreme court.	Compensation for court-appointed counsel is paid by the state.	Not available.	Not available.
<b>Connecticut</b>	The fee for court-appointed counsel is fixed by the superior court.	Compensation is paid by the state.	Not available.	Not available.
<b>Delaware</b>	The fee for court-appointed counsel is fixed by the trial court for trial court fees and by supreme court rule for appeals.	Compensation for court-appointed counsel is fixed by the trial court. Funds monitored by the AOC.	Not applicable.	Rule says \$2000, but attorneys apply for more. No statistics are reported.
<b>District of Columbia</b>	Counsel presents vouchers for payment after decision, detailing their expenses, which are approved fully or in part by the court.	Compensation is paid through the D.C. appropriation.	Not applicable.	The average fee paid to appointed counsel in the COLR last year was \$2100 (estimate).
<b>Florida</b>	–	Compensation for court-appointed counsel is paid by the state. Private attorneys are paid for by the state.	Not available.	Not available.

Table 7.2 – Fees for Court-Appointed Attorneys (continued)

State	Method of determining fee of court-appointed attorneys	Source of funds for payment of court-appointed attorneys	Average fee paid to court-appointed counsel in intermediate appellate court	Average fee paid to court-appointed counsel in court of last resort
<b>Georgia</b>	The fee for court-appointed counsel when paid by the supreme court is fixed by the court within statutory limits; when paid by the county the amt. is determined by local committee.	Usually paid by the county; rarely by supreme court.	Not available.	Not available.
<b>Hawaii</b>	The fee for court-appointed counsel is fixed by statute.	Compensation for court-appointed counsel is paid by the state.	The average fee paid to appointed counsel in IAC last year was \$2500 (estimate).	The average fee paid to appointed counsel in the COLR last year was \$2500 (estimate).
<b>Idaho</b>	Set by trial court.	Compensation for court-appointed counsel is paid by the county.	Not available.	Not available.
<b>Illinois</b>	The fee for court-appointed counsel is fixed by the circuit court subject to statutory maximums.	County public defender or court-appointed private counsel paid by county. State pays counsel from Office of State Appellate Defender.	Not available.	Not available.
<b>Indiana</b>	The fee for the court-appointed counsel is fixed by trial court.	Compensation for court-appointed counsel is paid by the county or state.	Not available.	Not available.
<b>Iowa</b>	The fee for the court-appointed counsel is fixed by statute and rule.	Compensation for court-appointed counsel is paid from funds appropriate by the general assembly to the department of inspections and appeals.	The average fee paid to appointed counsel in IAC last year was \$45/hr (estimate).	The average fee paid to appointed counsel in the COLR last year was \$45/hr (estimate).
<b>Kansas</b>	The fee for court-appointed counsel is paid by the state.	Compensation for court-appointed counsel is paid by the state.	Salaried.	Salaried.
<b>Kentucky</b>	The fee for court-appointed counsel comes from state Department of Public Advocacy.	Compensation for public advocate is paid by the state.	The average fee paid to appointed counsel in IAC last year was \$671.00 (estimate).	Salaried.
<b>Louisiana</b>	Indigent Defender Board or Public Defender Office is usually a salaried employee. Louisiana Appellate Project is usually a contractual employee.	Indigent Defender Board and Louisiana Appellate Project – local and state funding.	Not available.	Not available.

Table 7.2 – Fees for Court-Appointed Attorneys (continued)

<b>State</b>	<b>Method of determining fee of court-appointed attorneys</b>	<b>Source of funds for payment of court-appointed attorneys</b>	<b>Average fee paid to court-appointed counsel in intermediate appellate court</b>	<b>Average fee paid to court-appointed counsel in court of last resort</b>
<b>Maine</b>	The fee for court-appointed counsel is fixed by the appellate court.	Compensation for court-appointed counsel is paid by the judicial branch.	Not applicable.	The average fee paid to appointed counsel in the COLR last year was \$450.
<b>Maryland</b>	Policy within Public Defender's Office – Appellate court not involved.	Policy within Public Defender's Office – Appellate court not involved.	Policy within Public Defender's Office – Appellate court not involved.	–
<b>Massachusetts</b>	The fee for court-appointed counsel is fixed by the appellate court and court rules.	Compensation is paid by the commonwealth.	Counsel is not paid by court.	Counsel is not paid by the court.
<b>Michigan</b>	Not applicable.	Compensation for court-appointed counsel is paid by the county.	Not available.	Not available.
<b>Minnesota</b>	The state pays the Public Defender.	State funded.	Not available.	Not available.
<b>Mississippi</b>	The fee for court-appointed counsel is fixed by the trial court.	Compensation for court-appointed counsel is paid by the county.	Not available.	Not available.
<b>Missouri</b>	The fee for court-appointed counsel is reviewed and approved by the Public Defender Commission.	Compensation for court-appointed counsel is paid by the state.	Not available.	Not available.
<b>Montana</b>	The fee is fixed by the trial court.	Compensation is paid by the county.	Varies.	Varies.
<b>Nebraska</b>	The fee for court-appointed counsel is fixed by the trial court.	Compensation for court-appointed counsel is paid by the county.	The average fee paid to appointed counsel in IAC last year was \$50-\$60/hour (estimate).	The average fee paid to appointed counsel in the COLR last year was \$50-\$60/hour (estimate).
<b>Nevada</b>	Fee on appeal fixed by statute.	Compensation for court-appointed counsel is paid by the county.	Not available.	Not available.
<b>New Hampshire</b>	The fee for court-appointed counsel is fixed by rule.	Compensation is paid by the state.	\$1,350 is allowed under contract with appellate defender or contract attorney. Maximum to other counsel is \$1,500.	\$1,350 is allowed under contract with appellate defender or contract attorney. Maximum to other counsel is \$1,500.
<b>New Jersey</b>	State Public Defender sets fees.	Is paid by the state.	Not available.	Pro bono.

Table 7.2 – Fees for Court-Appointed Attorneys (continued)

State	Method of determining fee of court-appointed attorneys	Source of funds for payment of court-appointed attorneys	Average fee paid to court-appointed counsel in intermediate appellate court	Average fee paid to court-appointed counsel in court of last resort
<b>New Mexico</b>	The fee for court-appointed counsel is fixed by the public defender's office.	Compensation for court-appointed counsel is paid by the public defender's office.	Not available.	Not available.
<b>New York</b>	Fee is fixed by the appellate court within discretionary jurisdiction.	Paid by the county or the state if new counsel is appointed by the COLR.	The average fee paid to appointed counsel in IAC in 1997 was \$750 (estimate).	The average fee paid to appointed counsel in the COLR in 1997 was \$1200 (max in non-death penalty cases).
<b>North Carolina</b>	The fee is fixed by the trial court.	Compensation is paid by the state.	Not available.	Not available.
<b>North Dakota</b>	Fee is fixed by contract under guidelines adopted by Judicial Council and Indigent Defense Commission.	By the state.	Not available.	Not available.
<b>Ohio</b>	Limits set by county commissioners. Court approves final fee within fee scales.	Compensation is paid by the county and the state.	Not available.	Not available.
<b>Oklahoma</b>	The fee for court-appointed counsel is fixed by the trial court.	Compensation is paid by the county.	–	–
<b>Oregon</b>	Fee is approved by appellate court or subject to contract terms.	Compensation is paid by the State.	Rates are \$40/hr or \$55/hr for death penalty cases.	Rates are \$40/hr or \$55/hr for death penalty cases.
<b>Pennsylvania<sup>1</sup></b>	Generally by each county practice.	Compensation is paid by the county.	Not available.	Not available.
<b>Rhode Island</b>	The fee is fixed by the appellate court.	Compensation is paid by the state indigent account.	Not applicable.	The average fee paid to appointed counsel in the COLR last year was \$750 (estimate).
<b>South Carolina</b>	Fee is fixed by statute.	Compensation is paid by the state Office of Indigent Defense.	Not available.	Not available.
<b>South Dakota</b>	Fee is fixed by trial court.	Compensation is paid by the county.	Not available.	Not available.
<b>Tennessee</b>	Fee is fixed in appellate court. Fee schedule with a maximum is by supreme court rule.	Paid by the state.	The average fee paid to appointed counsel in IAC last year was \$789 (estimate).	The average fee paid to appointed counsel in the COLR last year was \$2,991 for capital case representation (estimate).

Table 7.2 – Fees for Court-Appointed Attorneys (continued)

State	Method of determining fee of court-appointed attorneys	Source of funds for payment of court-appointed attorneys	Average fee paid to court-appointed counsel in intermediate appellate court	Average fee paid to court-appointed counsel in court of last resort
<b>Texas</b>	The fee is fixed by the trial court.	Compensation is paid by the county.	Not available for the supreme court or the courts of appeals. In the court of criminal appeals, the average fee is \$7,500.	Not available for the supreme court or the courts of appeals. In the court of criminal appeals, the average fee is \$7,500.
<b>Utah</b>	The fee is fixed by the county.	Compensation is by the county (or district).	Not available.	Not available.
<b>Vermont</b>	The appellate defender is a state salaried employee.	Compensation for court-appointed counsel is paid by the state.	Not applicable.	Maximum allowed is \$2000.
<b>Virginia</b>	Fee is fixed by the appellate court.	Compensation is paid by the state.	The average fee paid to appointed counsel in IAC last year was \$400 (estimate).	\$300 for cases not accepted for review, and \$725 for cases accepted for review.
<b>Washington</b>	Fee is fixed by the Office of Public Defense.	Office of Public Defense.	The average fee paid to appointed counsel in IAC last year was \$2295 (estimate).	The average fee paid to appointed counsel in the COLR last year was \$2200 (estimate).
<b>West Virginia</b>	Fee is fixed by the trial court.	Paid by the state.	Not applicable.	The average fee paid to appointed counsel in the COLR last year was \$2000 (estimate).
<b>Wisconsin</b>	State public defender is salaried. Outside state public defender appointments are paid by standards in statutes.	–	Not available.	Not available.
<b>Wyoming</b>	Fixed by the supreme court.	Paid by the county.	Not applicable.	Not available.
<b>Federal</b>				
U.S. Supreme Court	In state cases, the court will reimburse for travel expenses if the counsel was appointed by the court.	If the court appoints counsel in a federal case the Administrative Office pays.	Not applicable.	Not available.
U.S. Courts of Appeals	Counsel presents vouchers for payment after decision, detailing their expenses, which are approved fully or in part by the court. Requests for interim payment permitted.	Criminal Justice Act funds.	\$2,500 statutory cap under Criminal Justice Act plus expenses. Death penalty cases at court's discretion.	Not applicable.
U.S. Air Force Court of Criminal Appeals	Military appellate defense counsel are appointed free of charge. The appellant is free to hire a civilian attorney at his or her own expense as primary or co-counsel.	Not applicable.	Not applicable.	Not applicable.

Table 7.2 – Fees for Court-Appointed Attorneys (continued)

State	Method of determining fee of court-appointed attorneys	Source of funds for payment of court-appointed attorneys	Average fee paid to court-appointed counsel in intermediate appellate court	Average fee paid to court-appointed counsel in court of last resort
<b>Federal</b> U.S. Army Court of Criminal Appeals	Military appellate defense counsel are appointed free of charge. The appellant is free to hire a civilian attorney at his or her own expense as primary or co-counsel.	Not applicable.	Not applicable.	Not applicable.
U.S. Court of Veterans Appeals	Not applicable.	Not applicable.	Not applicable.	Not applicable.

**Endnotes**

<sup>1</sup> Commonwealth court does not hear criminal appeals. However, it does handle appeals from the Board of Probation and Parole and Department of Corrections. Attorneys from the Public Defender's

Office of the county in which the inmate is incarcerated are appointed.

**Table 7.3 – The Use of Court Interpreters in Appellate Courts**

<b>State/Court</b>	<b>Court interpreters are available</b>
<b>Alabama</b>	
Supreme Court	Maintains a roster for hearing-impaired
Court of Criminal Appeals	No present need
Court of Civil Appeals	No
<b>Alaska</b>	
Supreme court	Yes
Court of Appeals	Yes
<b>Arizona</b>	
Supreme Court	No
Court of Appeals	–
<b>Arkansas</b>	
Supreme Court	Yes
Court of Appeals	Yes
<b>California</b>	
Supreme Court	No
Courts of Appeal	No
<b>Colorado</b>	
Supreme Court	No requests
Court of Appeals	No
<b>Connecticut</b>	
Supreme Court	No
Court of Appeals	No
<b>Delaware</b>	
Supreme Court	No
<b>District of Columbia</b>	
Court of Appeals	Yes
<b>Florida</b>	
Supreme Court	No
First District Court of Appeal	No
Second District Court of Appeal	–
Third District Court of Appeal	No
Fourth District Court of Appeal	No
Fifth District Court of Appeal	No
<b>Georgia</b>	
Supreme Court	Yes
Court of Appeals	No
<b>Hawaii</b>	
Supreme Court	Yes
Intermediate Court of Appeals	Yes
<b>Idaho</b>	
Supreme Court	No
Court of Appeals	No



Table 7.3 – The Use of Court Interpreters in Appellate Courts (continued)

<b>State/Court</b>	<b>Court interpreters are available</b>
<b>Illinois</b>	
Supreme Court	No
Appellate Court	Yes
<b>Indiana</b>	
Supreme Court	Yes
Court of Appeals	Yes
<b>Iowa</b>	
Supreme Court	Yes
Court of Appeals	Yes
<b>Kansas</b>	
Supreme Court	Yes
Court of Appeals	Yes
<b>Kentucky</b>	
Supreme Court	Yes
Court of Appeals	No
<b>Louisiana</b>	
Supreme Court	Yes
Courts of Appeal	Not applicable
<b>Maine</b>	
Supreme Judicial Court	Yes
<b>Maryland</b>	
Court of Appeals	–
Court of Special Appeals	No, but can be hired through AOC
<b>Massachusetts</b>	
Supreme Judicial Court	–
Appeals Court	Yes
<b>Michigan</b>	
Supreme Court	–
Court of Appeals	–
<b>Minnesota</b>	
Supreme Court	Yes
Court of Appeals	Yes
<b>Mississippi</b>	
Supreme Court	Yes
Court of Appeals	Yes
<b>Missouri</b>	
Supreme Court	Yes
Court of Appeals	–
<b>Montana</b>	
Supreme Court	–
<b>Nebraska</b>	
Supreme Court	No
<b>Nevada</b>	
Supreme Court	No

Table 7.3 – The Use of Court Interpreters in Appellate Courts (continued)

<b>State/Court</b>	<b>Court interpreters are available</b>
<b>New Hampshire</b> Supreme Court	Yes
<b>New Jersey</b> Supreme Court	Yes
Superior Court, Appellate Division	Yes
<b>New Mexico</b> Supreme Court	Yes
Court of Appeals	Yes
<b>New York</b> Court of Appeals	No
Supreme Court, Appellate Divisions	No
<b>North Carolina</b> Supreme Court	Not applicable
Court of Appeals	–
<b>North Dakota</b> Supreme Court	Yes
<b>Ohio</b> Supreme Court	–
Courts of Appeals	Yes
<b>Oklahoma</b> Supreme Court	–
Court of Criminal Appeals	–
Court of Appeals	–
<b>Oregon</b> Supreme Court	Yes
Court of Appeals	Yes
<b>Pennsylvania</b> Supreme Court	No
Superior Court	No
Commonwealth Court	Yes
<b>Rhode Island</b> Supreme Court	Yes
<b>South Carolina</b> Supreme Court	No
Court of Appeals	No
<b>South Dakota</b> Supreme Court	No
<b>Tennessee</b> Supreme Court	Yes
Court of Appeals	Yes
Court of Criminal Appeals	Yes

Table 7.3 – The Use of Court Interpreters in Appellate Courts (continued)

<b>State/Court</b>	<b>Court interpreters are available</b>
<b>Texas</b>	
Supreme Court	–
Court of Criminal Appeals	–
Courts of Appeals	No
<b>Utah</b>	
Supreme Court	Yes
Court of Appeals	Yes
<b>Vermont</b>	
Supreme Court	Yes
<b>Virginia</b>	
Supreme Court	Yes
Court of Appeals	Yes
<b>Washington</b>	
Supreme Court	Yes
Courts of Appeals	Yes
<b>West Virginia</b>	
Supreme Court of Appeals	Yes
<b>Wisconsin</b>	
Supreme Court	Yes
Court of Appeals	Yes
<b>Wyoming</b>	
Supreme Court	No
<b>Federal</b>	
U.S. Supreme Court	Yes
U.S. Courts of Appeals	
Second Circuit	Not on staff
Third Circuit	No
Fourth Circuit	Yes
Fifth Circuit	No
Sixth Circuit	Yes, as needed
Eighth Circuit	If needed
Ninth Circuit	No
Eleventh Circuit	No
U.S. Air Force Court of Criminal Appeals	If needed
U.S Army Court of Criminal Appeals	No
U.S. Court of Veterans Appeals	No

## Appellate Court Clerks

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### Alabama

Supreme Court	Robert G. Esdale, Sr.	Clerk
	Louise B. Livingston	Assistant Clerk
Court of Civil Appeals	Hon. John H. Wilkerson, Jr.	Clerk
	Ruby B. Crowe	Assistant Clerk
	Hazel J. McLain	Assistant Clerk (retired)
Court of Criminal Appeals	Lane W. Mann	Clerk

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### Alaska

Supreme Court and Court of Appeals	Janice L. Hansen	Clerk
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### Arizona

Supreme Court	Noel K. Dessaint	Clerk of Court
	Kathleen E. Kempley	Chief Deputy Clerk
	S. Alan Cook	Clerk (retired)
Court of Appeals, Division One	Glen D. Clark	Clerk
	Ruth A. Willingham	Deputy Clerk
Court of Appeals, Division Two	Joyce A. Goldsmith	Clerk
	Pamela J. Sweigate	Chief Deputy Clerk

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### Arkansas

Supreme Court and Court of Appeals	Leslie W. Steen	Clerk of the Courts
	Robin Horne	Chief Deputy Clerk (COLR)
	Melissa Fuller	Chief Deputy Clerk (IAC)

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### California

Supreme Court	Robert F. Wandruff	Clerk
Court of Appeal, First District	Ron D. Barrow	Clerk
	Diana Herbert	Chief Deputy Clerk
	Jennifer L. Casados	Deputy Clerk
Court of Appeal, Second District	Joseph A. Lane	Clerk
	Daniel P. Potter	Chief Deputy Clerk
	Paul T. McGill	Chief Deputy Clerk
	Shirley A. Beaux	Deputy Clerk II
	Gay E. Bents	Deputy Clerk
	Robert N. Wilson	Clerk (retired)
Court of Appeal, Third District	Robert L. Liston	Clerk
	Deena C. Fawcett	Chief Deputy Clerk
Court of Appeal, Fourth District	Stephen M. Kelly	Clerk
	Diane I. Hernandez	Deputy Clerk II
Court of Appeal, Fifth District	Eve Sproule	Clerk/Court Administrator
	Victoria Hernandez	Chief Deputy Clerk
	Elaine J. Duffy	Deputy Clerk III
	Kevin A. Swanson	Clerk (retired)
	Louise Tuszynski	Associate Member
Court of Appeal, Sixth District	Michael J. Yerly	Clerk
	Corrine Pochop	Chief Deputy Clerk
	Nancy Olea	Deputy Clerk II

## Appellate Court Clerks (continued)

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<b>Colorado</b>		
Supreme Court	Mac V. Danford	Clerk
Court of Appeals	Patrick H. Stanford	Clerk of Court

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<b>Connecticut</b>		
Supreme Court and Court of Appeals	Francis J. Drumm, Jr.	Chief Clerk
	Michele T. Angers	Deputy Chief Clerk

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<b>Delaware</b>		
Supreme Court	Cathy L. Howard	Clerk

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<b>District of Columbia</b>		
Court of Appeals	Garland Pinkston, Jr.	Clerk
	Joy A. Chapper	Chief Deputy Clerk

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<b>Florida</b>		
Supreme Court	Hon. Sid J. White	Clerk
	Debbie Causseaux	Chief Deputy Clerk
	Tanya Carroll	Deputy Clerk III
First District Court of Appeal	Jon S. Wheeler	Clerk
Second District Court of Appeal	William A. Haddad	Clerk
Third District Court of Appeal	Louis J. Spallone	Clerk
	Mary Cay Blanks	Chief Deputy Clerk
Fourth District Court of Appeal	Marilyn N. Beuttenmuller	Clerk
	Debbie Picklesimer	Chief Deputy Clerk
	Hon. Clyde L. Heath	Clerk (retired)
Fifth District Court of Appeal	Hon. Frank J. Habershaw	Clerk
	Linda Howard	Assistant Clerk

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<b>Georgia</b>		
Supreme Court	Sherie M. Welch	Clerk
	Lynn M. Hogg	Chief Deputy Clerk
	Nathaniel J. Middleton	Deputy Clerk
Court of Appeals	William L. Martin, III	Clerk
	Gail S. Arceneaux	Special Deputy Clerk
	Nadine L. Walker	Special Deputy Clerk

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<b>Hawaii</b>		
Supreme Court and Intermediate Court of Appeals	Darrell N. Phillips	Chief Clerk
	Clement J.H. Chun	Deputy Clerk (COLR)
	Sandra N. Yasui	Deputy Clerk (IAC)

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<b>Idaho</b>		
Supreme Court and Court of Appeals	Frederick C. Lyon	Clerk
	Lois Dawson	Chief Deputy Clerk

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<b>Illinois</b>		
Supreme Court	Juleann Hornyak	Clerk
	H. Wayne Russell	Chief Deputy Clerk
	Helen Ann Carnduff	Assistant Chief Deputy Clerk
	Lou Ann Reichle	Assistant Clerk

## Appellate Court Clerks (continued)

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<b>Illinois (cont.)</b>		
Appellate Court, First District	Gilbert S. Marchman	Clerk
	Steven M. Ravid	Chief Deputy Clerk
	Geraldine Rovano	Chief Deputy Clerk
Appellate Court, Second District	Loren J. Strotz	Clerk
	Cliff Simmons	Chief Deputy Clerk
	Charlyn J. Bradley	Deputy Clerk
Appellate Court, Third District	Gist Fleshman	Clerk
	Barbara Wilhelms	Chief Deputy Clerk
Appellate Court, Fourth District	Darryl Pratscher	Clerk
	Patricia A. Young	Chief Deputy Clerk
Appellate Court, Fifth District	Louis E. Costa	Clerk
	Janet Aydt	Chief Deputy Clerk

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<b>Indiana</b>		
Supreme Court and Court of Appeals	John Okeson	Clerk
	Steven F. Lancaster	Administrator (IAC)

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<b>Iowa</b>		
Supreme Court and Court of Appeals	R. Keith Richardson	Clerk
	Theresa M. Owens	Deputy Clerk

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<b>Kansas</b>		
Supreme Court and Court of Appeals	Carol Gilliam Green	Clerk of Court
	Robert L. Phelps II	Chief Deputy Clerk
	Lewis C. Carter	Clerk of Court (retired)

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<b>Kentucky</b>		
Supreme Court	Susan Stokley Clary	Clerk/Court Administrator
	John C. Scott	Clerk (retired)
Court of Appeals	George E. Fowler, Jr.	Clerk/Chief Staff Attorney

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<b>Louisiana</b>		
Supreme Court	John Tarlton Olivier	Clerk of Court
	Theo A. Duroncelet	Deputy Clerk
	Terri Harris	Business Manager
	Fans J. LaBranche, Jr.	Clerk (retired)
Court of Appeal, First Circuit	Stanley P. Lemoine	Clerk
	Jackie Scullin	Deputy Clerk
Court of Appeal, Second Circuit	Diana Pratt-Wyatt	Clerk/Administrator
	Virginia C. Smith	Chief Deputy Clerk
	Donna D. Brothers	Deputy Clerk
Court of Appeal, Third Circuit	Kenneth J. deBlanc	Clerk
	Kelly McNeely	Chief Deputy Clerk
Court of Appeal, Fourth Circuit	Danielle A. Schott	Clerk
	Sherrill McClausand	Deputy Clerk
Court of Appeal, Fifth Circuit	Peter J. Fitzgerald, Jr.	Clerk
	Genevieve L. Verrette	Chief Deputy Clerk

## Appellate Court Clerks (continued)

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<b>Maine</b>		
Supreme Judicial Court	James C. Chute	Clerk of the Law Court
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<b>Maryland</b>		
Court of Appeals	Alexander L. Cummings	Clerk
	Robert C. Franke	Chief Deputy Clerk
Court of Special Appeals	Leslie D. Gradet	Clerk
	Katharine M. Knight	Chief Deputy Clerk
<hr/>		
<b>Massachusetts</b>		
Supreme Judicial Court	Jean M. Kennett	Clerk
	Susan Mellen	First Assistant Clerk
	Richard Rouse	Clerk
	Maura Sweeney Doyle	Assistant Clerk
Appeals Court	Ashley Brown Ahearn	Clerk
	Nancy Truck Foley	Clerk (retired)
<hr/>		
<b>Michigan</b>		
Supreme Court	Corbin R. Davis	Clerk
	Jacqueline B. MacKinnon	Deputy Clerk
Court of Appeals	Ella M. Williams	Chief Clerk
	John P. Lowe	Assistant Clerk
	Linda Burnham	Deputy Clerk
	Darnelle Dickerson	Assistant Clerk
	Karen Z. Parker	Assistant Clerk
<hr/>		
<b>Minnesota</b>		
Supreme Court and Court of Appeals	Frederick K. Grittner	Clerk of the Appellate Courts/ Supreme Court Administrator
	Beverly J. Reedy	Deputy Clerk
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<b>Mississippi</b>		
Supreme Court and Court of Appeals	Linda Stone	Clerk
	Kathy Gillis	Chief Deputy Clerk
	Gela Herrin	Assistant Deputy Clerk
	Yvonne P. Burnham	Clerk (retired)
	Robert E. Womack	Clerk (retired)
<hr/>		
<b>Missouri</b>		
Supreme Court	Thomas F. Simon	Clerk
	Anthony Nigro	Chief Deputy Clerk
	Mary Elizabeth McHaney	Deputy Clerk (retired)
Court of Appeals, Eastern District	Deirdre O'Meara Smith	Clerk
Court of Appeals, Western District	Terence G. Lord	Clerk/Docket Attorney
	Donna R. Coke	Assistant Clerk
	Hon. Peggy Stevens McGraw	Clerk (retired)
Court of Appeals, Southern District	Sandra L. Skinner	Clerk

## Appellate Court Clerks (continued)

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<b>Montana</b>		
Supreme Court	Edwin A. Smith	Clerk
	Karma Alfredson	Assistant Clerk
	Joni Holliday	Assistant Clerk
	Ethel M. Harrison	Clerk (retired)
<hr/>		
<b>Nebraska</b>		
Supreme Court and Court of Appeals	Lanet S. Asmussen	Clerk
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<b>Nevada</b>		
Supreme Court	Janette M. Bloom	Clerk
	Jeanne C. Richards	Chief Deputy Clerk
	Sharon E. Page	Deputy Clerk
	Linda A. Castillo	Deputy Clerk
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<b>New Hampshire</b>		
Supreme Court	Howard J. Zibel	Clerk/Reporter of Decisions
	Carol A. Belmain	Deputy Clerk
	David S. Peck	Deputy Clerk
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<b>New Jersey</b>		
Supreme Court	Stephen W. Townsend	Clerk
	Gail G. Hanel	Deputy Clerk
Superior Court, Appellate Division	Emille R. Cox	Clerk
	Francine W. Charles	Deputy Clerk
	James Flynn	Deputy Clerk
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<b>New Mexico</b>		
Supreme Court	Kathleen Jo Gibson	Clerk
Court of Appeals	Patricia C. Rivera Wallace	Clerk
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<b>New York</b>		
Court of Appeals	Hon. Stuart M. Cohen	Clerk
	Donald M. Sheraw	Clerk (retired)
Supreme Court, Appellate Divisions	John A. Cahill	Chief Clerk
First Department.	Catherine O'Hagan-Wolfe	Clerk of Court
	Joseph Bleshman	Deputy Clerk
	David Spokony	Deputy Clerk
Second Department	Hon. Martin H. Brownstein	Clerk
	Arnold Edman	Deputy Clerk
	Mel Harris	Deputy Clerk
Third Department	Hon. Michael J. Novack	Clerk
	Robert D. Mayberger	Deputy Clerk
Fourth Department	Hon. Carl M. Darnall	Clerk and Executive Officer
	Patricia L. Morgan	Deputy Clerk
<hr/>		
<b>North Carolina</b>		
Supreme Court	Christie Speir-Cameron	Clerk of Court
	Peggy N. Byrd	Assistant Clerk
Court of Appeals	John H. Connell	Clerk



## Appellate Court Clerks (continued)

<b>North Dakota</b>		
Supreme Court and Court of Appeals	Penny L. Miller Colette Bruggman	Clerk Chief Deputy Clerk
<b>Ohio</b>		
Supreme Court	Marcia J. Mengel Mary Ann Dix	Clerk Chief Deputy Clerk
Court of Appeals	Served by Clerks of the Court of Common Pleas of each county	No
<b>Oklahoma</b>		
Supreme Court, Court of Criminal Appeals, and Court of Civil Appeals	James W. Patterson	Clerk
<b>Oregon</b>		
Supreme Court	Scott C. Crampton Virginia Rossman	Director of Management Services Court Operations Supervisor
<b>Pennsylvania</b>		
Supreme Court	Charles W. Johns Amy J. Ceraso	Prothonotary Deputy Prothonotary
Superior Court	David A. Szewczak Eleanor R. Valecko	Prothonotary Deputy Prothonotary
Commonwealth Court	G. Ronald Darlington Daniel R. Schuckers Charles R. Hostutler	Executive Administrator Prothonotary Deputy Prothonotary/Chief Clerk
<b>Rhode Island</b>		
Supreme Court	Brian B. Burns Beverly Clark Michael F. Cafferty	Clerk Deputy Clerk Senior Appeals Clerk
<b>South Carolina</b>		
Supreme Court	Clyde N. Davis, Jr.	Clerk
Court of Appeals	Denneth A. Richstad Ida R. Carson Reba D. Mims	Clerk Deputy Clerk Clerk (retired)
<b>South Dakota</b>		
Supreme Court	Dorothy Smith Gloria Engel	Clerk Clerk (retired)
<b>Tennessee</b>		
Supreme Court, Court of Criminal Appeals, and Court of Appeals	Cecil Crowson, Jr. Janice S. Clinkenbeard Chris C. Galyon Sue R. Walker Frankie R. Lewis Laddie Neil	Clerk Administrative Assistant Fiscal/Budget Officer Chief Deputy Clerk Chief Deputy Clerk Associate Member

## Appellate Court Clerks (continued)

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<b>Texas</b>			
Supreme Court	Hon. John T. Adams	Clerk	
	Elizabeth A. Saunders	Chief Deputy Clerk	
	Gene Burns	Deputy Clerk	
	Courtland Crocker	Deputy Clerk	
	Blanca E. Morin	Deputy Clerk	
	Michael C. Murphey	Deputy Clerk	
	Hortencia Damian	Deputy Clerk	
	Jan Knippel	Deputy Clerk/Chief Accountant	
	Mia Zierlien	Deputy Clerk	
	Court of Criminal Appeals	Troy Bennett	Clerk
		George R. Miller	Chief Deputy Clerk
		Abel Acosta	Deputy Clerk
		John Brown	Deputy Clerk
		Louise F. Pearson	Deputy Clerk
Belva Myler		Deputy Clerk	
Gregg Ross		Deputy Clerk	
Thomas F. Lowe		Clerk (retired)	
Court of Appeals, First District	Margie L. Thompson	Clerk	
Court of Appeals, Second District	Yvonne Palmer	Clerk	
Court of Appeals, Third District	Diane O'Neal	Clerk	
Court of Appeals, Fourth District	Herb Schaefer	Clerk	
Court of Appeals, Fifth District	Lisa Rombok	Clerk	
Court of Appeals, Sixth District	Tibby Thomas	Clerk	
Court of Appeals, Seventh District	Peggy Culp	Clerk	
Court of Appeals, Eighth District	Barbara B. Dorris	Clerk	
Court of Appeals, Ninth District	Carol Anne Flores	Clerk	
Court of Appeals, Tenth District	Imogene Allen	Clerk	
Court of Appeals, Eleventh District	Sherry Williamson	Clerk	
Court of Appeals, Twelfth District	Cathy S. Lusk	Clerk	
Court of Appeals, Thirteenth District	Cathy Wilborn	Clerk	
Court of Appeals, Fourteenth District	Mary Jane Smart	Clerk	

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<b>Utah</b>		
Supreme Court	Pat H. Bartholomew	Clerk
Court of Appeals	Julie D'Alesandro	Clerk

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<b>Vermont</b>		
Supreme Court	Lee Suskin	Clerk/Court Administrator

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<b>Virginia</b>		
Supreme Court	David B. Beach	Clerk
	Patricia H. Krueger	Chief Deputy Clerk

## Appellate Court Clerks (continued)

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### Virginia (cont.)

Court of Appeals	Cynthia L. McCoy	Clerk
	A. John Volino	Chief Deputy Clerk
	Rosellis J. Graham	Record Administrator
	Stephanie Vassar	Deputy Clerk/Administrator
	Marty R. P. Ring	Deputy Clerk
	Deborah A. F. Uitvlucht	Deputy Clerk
	Alan I. Herman	Consultant
	Alexander L. Stevas	Clerk (retired)

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### Washington

Supreme Court	Clinton J. Merritt	Clerk
	Ronald R. Carpenter	Deputy Clerk
Court of Appeals, Division 1	Anne Norris	Clerk
Court of Appeals, Division 2	David Ponzoha	Clerk
Court of Appeals, Division 3	Patricia I. Crandall	Clerk/Staff Attorney

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### West Virginia

Supreme Court of Appeals	Rodney Teal	Clerk
	Thomas J. McQuain	Deputy Clerk
	Ancil G. Ramey	Clerk (retired)

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### Wisconsin

Supreme Court and Court of Appeals	Marilyn L. Graves	Clerk
	Cornelia G. Clark	Chief Deputy Clerk
	Shirley Buss	Deputy Clerk
	Pat Cox	Deputy Clerk
	Kathryn Metcaff	Deputy Clerk
	Caroline Saley	Deputy Clerk

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### Wyoming

Supreme Court	Judy Pacheco	Clerk
	Carol Thompson	Deputy Clerk
	Martha Jean Coonrod	Clerk (retired)

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### Federal

U.S. Supreme Court	William K. Suter	Clerk
	Christopher W. Vasil	Deputy Clerk
	Joseph F. Spaniol, Jr.	Clerk (retired)
U.S. Court of Appeals, D.C. Circuit	Mark J. Langer	Clerk
	Marilyn Sargent	Chief Deputy Clerk
U.S. Court of Appeals, First Circuit	William H. Ng	Clerk
	Francis P. Scigliano	Clerk (retired)
U.S. Court of Appeals, Second Circuit	George Lange, III	Clerk
U.S. Court of Appeals, Third Circuit	P. Douglas Sisk	Clerk
	Bradford A. Baldus	Chief Deputy Clerk
U.S. Court of Appeals, Fourth Circuit	Patricia Conner	Chief Clerk
	Donna M. Brown	Supervisor
	Marilyn K. Beck	Administrative Manager
	Sandra K. Traylor	Supervisor Case MGT
U.S. Court of Appeals, Fifth Circuit	Charles R. Fulbruge, III	Clerk

## Appellate Court Clerks (continued)

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### Federal Courts (cont.)

U.S. Court of Appeals, Sixth Circuit	Leonard Green	Clerk
	Janice E. Yates	Chief Deputy Clerk
U.S. Court of Appeals, Seventh Circuit	Thomas F. Strubbe	Clerk
U.S. Court of Appeals, Eighth Circuit	Michael E. Gans	Clerk
U.S. Court of Appeals, Ninth Circuit	Cathy A. Catterson	Clerk
	Molly Dwyer	Chief Deputy Clerk
U.S. Court of Appeals, Tenth Circuit	Patrick J. Fisher	Clerk
U.S. Court of Appeals, Eleventh Circuit	Miguel J. Cortez, Jr.	Clerk
U.S. Court of Appeals, Federal Circuit	Jan Horbaly	Clerk
U.S. Court of Appeals for the Armed Forces	Thomas F. Granahan	Clerk
U.S. Army Court of Military Review	William S. Fulton, R.	Clerk
U.S. Air Force Court of Criminal Appeals	Capt. Rima Silenas	Clerk
U.S. Army Court of Criminal Appeals	Lt. Col. John T. Rucker	Clerk
U.S. Court of Veterans Appeals	Robert F. Comeau	Clerk of Court
	James L. Caldwell, Jr.	Chief Deputy Clerk

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