

COUNCIL OF APPELLATE LAWYERS

STATE APPELLATE COURT STRUCTURE

STATE:	PERSON SUBMITTING REPORT:
California	L. Rachel Helyar
FIRST LEVEL OF APPELLATE COURT	
Court's name	California Court of Appeal
Total number of judges	approximately 100
Number on panels for oral argument	Three
Jurisdiction discretionary or mandatory	Mandatory
If discretionary, standard	N/A
Jurisdiction (criminal, civil, or both)	Both. The court has jurisdiction to decide appeals from all final decisions of the trial courts. It also has discretionary jurisdiction over interlocutory appeals or writs. The Courts of Appeal review the validity of administrative rules and the decisions of administrative agencies.
Oral argument discretionary or allowed as of right	Allowed unless no request for argument is made or parties agree to waive argument.
Geographical coverage - number of courts and whether their coverage is statewide or district-wide	There are six Appellate Districts, each of which is composed of up to 8 divisions. Each division is composed of four justices.
Opinions published -- some, all, or none (if some, estimate percentage) Note whether unpublished opinions may be cited, and if so, whether they are binding or merely persuasive.	The decision of the court must be written in the form of a published or unpublished opinion. Most opinions (about 85-90%) are unpublished. All opinions are available for a time on the court website and on services like Lexis and Westlaw. Unpublished opinions are not precedential except as law of the case, res judicata or collateral estoppel, and may not be cited. But note: this rule was challenged by several years ago by proposed legislation, and may be challenged again in the near future.
Bound by precedent of which other courts	California Supreme Court and published decisions of the same <i>division</i> . Published decisions of other divisions are merely persuasive.
Opinions are binding precedent on which other courts	Published decisions of the Court of Appeal (like Supreme Court opinions) are binding on all trial courts, but only on Courts of Appeal within the same division.

Other unique characteristics of the system

The court website is extensive and very informative: <http://www.courtinfo.ca.gov/>

SECOND LEVEL OF APPELLATE COURT

Name	Minnesota Supreme Court
Total number of justices	Seven
Number who sit on oral argument panel	All
Jurisdiction (criminal, civil or both)	Both
Jurisdiction discretionary or mandatory; if discretionary, give standard (e.g., “important to the jurisdiction”)	<p>Discretionary review of decisions of the Court of Appeals. Review may be granted only where (a) the question presented is an important one upon which the Supreme Court should rule; or (b) the Court of Appeals has ruled on the constitutionality of a statute; or (c) the lower courts have so far departed from the accepted and usual course of justice as to call for an exercise of the supreme Court’s supervisory powers; or (d) a decision by the Supreme Court will help develop, clarify, or harmonize the law; and (1) the case calls for the application of a new principle or policy; or (2) the resolution of the question presented has possible statewide impact; or (3) the question is likely to recur unless resolved by the Supreme Court.</p> <p>Appeal mandatory from legislative or statewide election contests or criminal appeals in cases in which the defendant has been convicted of murder in the first degree.</p> <p>Review by certiorari from Worker’s Compensation Court of Appeals where lower court’s decision (1) does not conform with statute; or, (2) the workers’ compensation court of appeals committed any other error of law; or (3) the findings of fact and order were unsupported by substantial evidence in view of the entire record as submitted.</p> <p>Review by certiorari from Tax Court.</p> <p>Direct appeal from disciplinary</p>

	decisions.
Opinions published -- some, all, or none (if some, estimate percentage) Note if unpublished opinions may be cited, and if so, whether they are binding precedent or merely persuasive.	Generally all published. The court has occasionally issued summary affirmances without opinion but these are rare.
Geographical coverage -- if divided into districts, give number of districts and whether their coverage is statewide or only district-wide.	Entire state
Bound by precedent from which other courts	Prior Supreme Court opinions only
Opinions are binding precedent on which other courts	Court of Appeals, Tax Court, Worker's Compensation Court of Appeals, District Courts
Other unique characteristics of the system	Court will sometimes grant petition for accelerated review, taking case directly that would normally be heard by the Court of Appeals. Court sits en bank in almost all cases.
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