An Overview of the Appellate Process

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Appellate Court Structure

- Trial Courts
- Intermediate Appellate Courts
- Supreme Court
Appellate Court Structure

- Trial courts
- Intermediate appellate courts
- Fact finding
- Error correcting
Appellate Court Structure

Supreme Court → policy-making

- Public policy issues
- Institutional issues
- Unresolved issues of law
- Conflicts among intermediate appellate courts
Overview of the Appellate Process

The civil appellate process involves:

- **Limited review** of a fixed record
- Searching for **prejudicial error**
- In order to **prevent a miscarriage of justice**
- No reweighing of evidence or retrial of case
- Presumption in favor of the prevailing party
- Presumption in favor of the trial court’s order
Key Appellate Milestones

- Preparing the Record
- Briefs
- Oral argument
- Opinion
- Petition for rehearing
- Review by Supreme Court
- Amicus letters and briefs
The Record

- Record defines facts and issues the appellate court will consider
- No consideration of:
  - Evidence not introduced or proffered
  - Oral proceedings not recorded