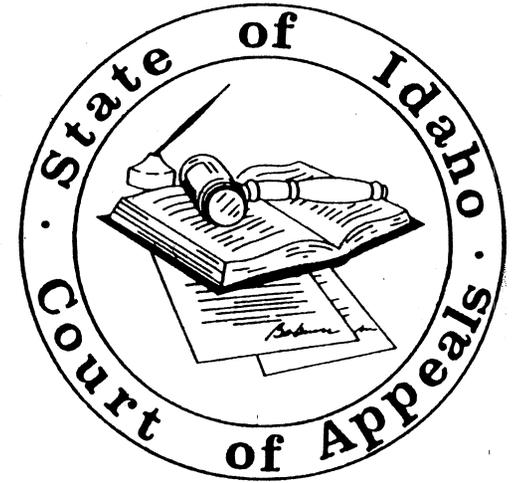


briefs are the written explanations of the appellants' and respondents' versions of the case prepared by their attorneys. During the sessions, attorneys for the parties present their arguments and the judges of the Court may ask questions of their own if they feel that a particular point of law needs to be clarified.

WILL COURT OF APPEALS OPINIONS BE PUBLISHED?

The opinions of the Court of Appeals are published in the *Idaho Reports*, the official publication of the Court, and also in the *Pacific Reporter* series together with the opinions of fourteen other western states. These volumes may be read in the State Law Library.

Supreme Court — Court of Appeals
P.O. Box 83720
Boise, Idaho 83720-0101



The first three judges of the Idaho Court of Appeals took office January 4, 1982, and began deciding appeals assigned to the Court of Appeals by the Idaho Supreme Court.

HOW ARE APPEALS ASSIGNED TO THE COURT OF APPEALS?

Decisions of the district courts will continue to be appealed to the Idaho Supreme Court. All motions, petitions, briefs, and other appellate documents are filed with the clerk of the Supreme Court. Once appealed, the appeals will be screened by one of the justices and certain appeals will be assigned to the Court of Appeals.

WHAT IS THE JURISDICTION OF THE COURT OF APPEALS?

The Court of Appeals has jurisdiction to hear and decide all appeals assigned to it by the Supreme Court. By statute, however, the Supreme Court must decide appeals involving the Supreme Court's original jurisdiction (advisory opinions in claims against the State, and issuance of extraordinary writs), appeals from imposition of capital punishment in criminal cases, and appeals from the Industrial Commission and Public Utilities Commission. Pursuant to a Supreme Court rule, all recommendatory orders of the Idaho State Bar and the Idaho Judicial Council will continue to be considered by the Supreme Court.

Generally, appeals which involve consid-

eration of existing legal principles are assigned to the Court of Appeals. In assigning appeals to the Court of Appeals, due regard is given to the error review and correction functions of the Court of Appeals. Ordinarily, the Supreme Court will retain the following classes of cases:

- 1) Cases where there is a substantial public interest;
- 2) Cases in which there are significant issues involving clarification or development of the law, or which present a question of first impression;
- 3) Cases which involve a question of substantial state or federal constitutional interpretation;
- 4) Cases raising a substantial question of law regarding the validity of a state statute, or of a county, city, or other local ordinance;
- 5) Cases involving issues upon which there is an inconsistency in the decisions of the Court of Appeals or of the Supreme Court.

WILL THE COURT OF APPEALS TRAVEL TO HEAR CASES?

The court of Appeals judges review cases as a panel. Although the judges are chambered in Boise, they may hear appeals arguments anywhere in the state. In Boise, oral arguments are conducted in the courtroom of the Supreme Court Building.

HOW ARE THE JUDGES SELECTED?

The Court of Appeals judges are elected at large, on a non-partisan ballot, for a term of six years with their terms staggered so continuity on the court will be maintained. A candidate for judge of the Court of Appeals must be qualified elector and duly qualified attorney-at-law.

A Chief Judge of the Court of Appeals is appointed by the Supreme Court for a term of two (2) years. The Chief Judge presides over all sessions of court at which he is present, signs all orders of court and is responsible for the management and administration of the court and its personnel (subject to statutes, rules, orders, and administration policies of the Supreme Court).

HOW DOES THE APPELLATE PROCESS WORK?

Procedures in the Court of Appeals are much different from those in the trial courts. The appellant, usually the losing party in the trial court, attempts to convince the Court of Appeals that error was committed in the court below, and that the judgement against him or her is erroneous. The respondent, usually the winning party below, argues that the judgement below was correct. Normally, no witnesses are heard at a regular session of the Court and there is no jury. A case on appeal is presented to the Court upon record of a lower court or administrative agency and upon the briefs and arguments of attorneys for the parties. The