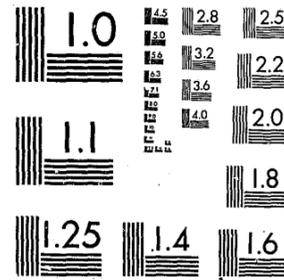


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MF-1

Northeastern Regional Office

A SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE APPELLATE COURTS

Technical Assistance Report No. 8
in the Appellate Justice Improvement Project,
prepared for the Supreme Court of Oregon

82149



National Center for State Courts

Northeastern Regional Office

A SURVEY OF STATE SUPREME COURTS
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Technical Assistance Report No. 8
in the Appellate Justice Improvement Project,
prepared for the Supreme Court of Oregon

Regional Director: Samuel D. Conti

Project Director: Michael J. Hudson

Technical Assistance Staff
and Compiler: David C. Steelman



National Center for State Courts
Osgood Hill
723 Osgood St.
North Andover, Massachusetts 01845

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National Center for State Courts

NORTHEASTERN REGIONAL OFFICE
Osgood Hill
723 Osgood Street
North Andover, Massachusetts 01845
(617) 687-0111

Edward B. McConnell
Director

Samuel D. Conti
Regional Director

December 31, 1980

Mr. Nicholas L. Demos
LEAA
U.S. Department of Justice
Adjudication Division
Office of Crime Justice Programs
633 Indiana, N.W.
Washington, D.C. 20531

Dear Mr. Demos:

Enclosed for your information is a copy of a 35-state appellate court survey conducted for Associate Justice Thomas H. Tongue of the Oregon Supreme Court by David C. Steelman, Senior Staff Attorney, at our office. The survey contains the most current information available on the treatment of petitions for certiorari and oral argument cases available at this time. It is our intention to distribute this report as a research product of the National Appellate Project. The opportunity to gather such data is a tribute to the continuing support and confidence shown in the Center by the Law Enforcement Assistance Administration and by the Charles E. Culpeper Foundation.

If we may provide any further information on this report or its preparation, please call upon us.

Very truly yours,

Samuel D. Conti
Samuel Domenic Conti

SDC:bjs

Attachment

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MID-ATLANTIC
300 Newport Avenue
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(804) 253-2000

NORTHEASTERN
Osgood Hill
723 Osgood Street
North Andover, Massachusetts 01845
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American National Bank Building
5th & Minnesota Streets
St. Paul, Minnesota 55101
(612) 222-6331

WESTERN
720 Sacramento Street
San Francisco, California 94108
(415) 557-1515.

Preface

This volume is one of a series of technical assistance reports prepared as part of the National Center for State Courts' Appellate Justice Improvement Project. The National Center is grateful for the continuing support and encouragement of the Law Enforcement Assistance Administration and the Charles E. Culpeper Foundation which have made these reports possible.

A SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE APPELLATE COURTS

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SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court:

A. Description of Court

1. Number of justices.
2. Number of law clerks.
 - a. Per justice.
 - b. Central staff.
3. Jurisdiction.
 - a. Discretionary Jurisdiction:

Reference:

- b. Other Jurisdiction:

Reference:

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1978.
 - a. Allowed.
 - b. Denied.
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion.
 - b. By per curiam opinion.
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed.

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Alabama Supreme Court

A. Description of Court

1. Number of justices. 9
2. Number of law clerks.
 - a. Per justice. 1 (CJ 2)
 - b. Central staff. 2
3. Jurisdiction.

a. Discretionary Jurisdiction:

Petitions for certiorari to be granted only (1) as of right in capital cases (see B below); (2) validity of constitutional, statutory or ordinance provision; (3) cases affecting constitutional, state or county officers; (4) first impression cases; (5) decision conflicting with prior Alabama Supreme Court decision on same point; (6) if petitioner seeks to overturn Supreme Court precedent relied on in intermediate court. Bypass provision: on designation by Supreme Court Chief Justice with advice of Supreme Court and intermediate court president judge.

Reference: Alabama Code, §§12-3-14 and 12-3-15.
Appellate Rule 5.

b. Other Jurisdiction:

Petition for certiorari to be granted as of right on intermediate court affirmation of death sentence. All civil matters [but those (1) at law, valued at \$10,000 or less; (2) workmen's compensation cases; (3) domestic relations cases; (4) administrative appeals other than Public Service Commission cases*] are within Supreme Court jurisdiction. (*i.e., PSC cases are within Supreme Court direct jurisdiction.)

Reference: Alabama Code, §§12-3-14 and 12-3-15.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979. (FY 10/1/78 - 9/30/79) 119
2. The number of petitions acted on during 1978. 248
 - a. Allowed. 55
 - b. Denied. 89
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
File 14 days after intermediate court denial of rehearing motion.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise? No?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79. 213
2. Number of cases decided during 1979. 339 opinions written
 - a. By written opinion.
 - b. By per curiam opinion.
 - c. By memorandum opinion. (several)
 - d. By unpublished opinion. (all published)
 - e. Without opinion.

3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

Printed calendar to notify counsel of argument date; court permission required for more than 30 minutes. Arguments 4 days/mo. October - June, with 7 cases/day, 1 hr./case. Sit in panels but for certiorari, capital, rate and constitutional cases (then en banc). Opinions assigned on rotating basis to judges.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.) No?

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Alaska Supreme Court (see comment)

A. Description of Court

1. Number of justices. 5

2. Number of law clerks.

a. Per justice. 2

b. Central staff. 2

3. Jurisdiction.

a. Discretionary Jurisdiction:

Review of court of appeals criminal decisions* discretionary. Review of Superior Court civil decisions in cases appealed from district court is discretionary. (*whether appealed in case originally heard in district or superior court)

b. Other Jurisdiction:

Civil cases initiated in superior court appealable as of right to superior court.

Reference:

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979. (petitions for review filed) Total filings: 656
141

2. The number of petitions acted on during 1979. 150

a. Allowed. 50*

b. Denied. 100*

*These numbers may include some original actions -- e.g., attorney discipline, contested bar admission.

3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion.(opinions published) 234
 - b. By per curiam opinion. (some)
 - c. By memorandum opinion. (some)
 - d. By unpublished opinion. memo not published
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition. 237
4. Procedures for handling disposition of cases. Please describe.
Counsel notified by letter and form of argument date; not more than 30 minutes.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? yes

7. If so, please describe and attach copies.

One page opinion and judgment forms used for one-issue cases. Any judge not meeting 6 month deadline for completion of opinion has paycheck withheld.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
Intermediate court (court of appeals) created 1980.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Arizona Supreme Court

A. Description of Court

1. Number of justices. 5
2. Number of law clerks.
 - a. Per justice. 2
 - b. Central staff. 5
3. Jurisdiction.

a. Discretionary Jurisdiction:

Court can grant request for review in any case; no appeal of right from intermediate appellate court. Bypass: Supreme Court can transfer to itself cases from intermediate court.

Reference:

Arizona Revised Statutes, Constitutional Article 6, §6; §§12-120.23 and 12-120.24.

b. Other Jurisdiction:

Direct appeal where death or life imprisonment actually imposed. Original jurisdiction in disputes between counties; extraordinary writs to state officers; issuance of injunctions and writs to exercise appellate and revisory jurisdiction. All justice and police court cases involving tax, impost, assessment, toll, statute or ordinance are appealable direct to Supreme Court.

Reference:

Arizona Revised Statutes, Constitution Article 6, §5, §12-120.21.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.(petitions for review)

Total filings: 1,000
Transfers from Intermediate Court: 93
668

2. The number of petitions acted on during 1979. 682
 - a. Allowed.(terminations by opinion) 62
 - b. Denied.(terminations by other means) 620

3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
15 days after denial or rehearing motion to file petition.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise? yes

7. If so, please describe and attach copies.
15 days to petition for review of intermediate court decision or order.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion. 201
 - b. By per curiam opinion. (some)
 - c. By memorandum opinion. 38
 - d. By unpublished opinion. (memo opinions)
 - e. Without opinion. opinion required for all submitted cases.

3. Average number of days elapsed between oral argument and final disposition:

4. Procedures for handling disposition of cases. Please describe.

Notice of argument date by form letter. 30 minute argument in civil cases.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? yes

7. If so, please describe and attach copies.

Oral argument of criminal cases only by court permission.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Arkansas Supreme Court (see comment)

A. Description of Court

1. Number of justices. 7

2. Number of law clerks.

a. Per justice. 1

b. Central staff. 1

3. Jurisdiction.

a. Discretionary Jurisdiction:

Certiorari review of intermediate court decisions. Bypass under Rule 29(3).

*"Certain motions or petitions" are also heard without prior involvement of intermediate court: "rule on the clerk" motions, where clerk rejects late filings.

Reference:

Arkansas Supreme Court Rule 29.

b. Other Jurisdiction:

Direct appeal to Supreme Court in constitutional cases; capital and serious felony (30 + years) cases; public utility rate cases and appeals from public service, transportation and pollution control commissions. Petitions for PCR.

Original jurisdiction: quo warranto, prohibition, injunction, mandamus; regulation of law practice; election challenges.

Reference:

Arkansas Supreme Court Rules 29, 37.4

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1978.

2. The number of petitions acted on during 1978. 12
 - a. Allowed. 7
 - b. Denied. 5
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1977-78. 59
2. Number of cases decided during 1979.
 - a. By written opinion.
 - b. By per curiam opinion. (some)
 - c. By memorandum opinion.
 - d. By unpublished opinion. (many)
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? yes
7. If so, please describe and attach copies.
Counsel must obtain permission for oral argument.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
Intermediate court created after 1978.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: California Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 3 (CJ 4)
 - b. Central staff. 11
3. Jurisdiction.

a. Discretionary Jurisdiction:

Review by certiorari of all intermediate court decisions.
Bypass provision: Supreme Court can transfer jurisdiction to itself before intermediate court decision.
Discretionary direct review of PUC decisions.

Reference:

California Constitution, Article 6, §§10, 12; California Public Utilities Code, §§1756, 1759; California Rules of Court, Rules 28, 29, 56, 56.5, 58, 60, 976.

b. Other Jurisdiction:

Automatic appellate jurisdiction where death sentence imposed.

Original jurisdiction to issue extraordinary writs (mandamus, certiorari, prohibition).

Reference:

California Constitution, Article 6, §§10, 11; California Code of Civil Procedures, §1108; California Rules of Court, Rules 56, 56.5, 60.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979. 2970

2. The number of petitions acted on during 1979. 2970
 - a. Allowed. 193
 - b. Denied. 2777

3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

Each petition is assigned to a justice, criminal cases to the chief justice and civil cases to one of the six associate justices. A law clerk prepares an extensive memorandum, which includes a recommended disposition. The memorandum is circulated to the remaining justices, the case is discussed in a weekly conference, and the justices vote.

Must be filed 10 days after finality of intermediate court opinion.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise? yes

Deadline for justices to write opinions.

7. If so, please describe and attach copies.

Petition must be filed within 10 days after intermediate court ruling.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion. 123
 - b. By per curiam opinion. (some)

c. By memorandum opinion.

d. By unpublished opinion.

publication
required for all
submitted cases

e. Without opinion.

1

3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

Notice by photocopy letter and calendar. Not more than 30 minutes.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Colorado Supreme Court

A. Description of Court

1. Number of justices. 7

2. Number of law clerks.

a. Per justice. 1 (CJ 2)

b. Central staff. 0

3. Jurisdiction.

a. Discretionary Jurisdiction:

Review of intermediate court decision is only by certiorari. Supreme Court can also order that case not yet decided in intermediate court be certified to Supreme Court.

Reference:

Colorado Revised Statutes, §§13-4 - 108, 13-4 - 109; Bill Dreiling Motor Co. V. Court of Appeals, 171 Colo. 448, 468 P. 2d 37 (1970).

b. Other Jurisdiction:

Following cases not appealable to intermediate court:

- (1) district court criminal cases;
- (2) Denver juvenile court cases re: contributing to delinquency;
- (3) constitutionality of statute, municipal charter, or ordinance;
- (4) PUC decisions;
- (5) habeas corpus writs
- (6) water cases involving priorities or adjudications;
- (7) cases appealed from county court to district or superior court.

Reference:

Colorado Revised Statutes §13-4-102.

B. Disposition of Petitions for Review or Certiorari

Appeals: 182* Original Jurisdiction: 384
(*includes 89 transferred from intermediate court
before decision there.)

1. The number of petitions received during FY ending in 1979 375
2. The number of petitions acted on during 1979.
 - a. Allowed.
 - b. Denied.
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
Petition for Certification within 30 days.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion. 284 opinions
 - b. By per curiam opinion. (some)
 - c. By memorandum opinion.
 - d. By unpublished opinion.

e. Without opinion.(required if submitted) 587

3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
Notice by letter; 30 minutes maximum for argument.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Connecticut Supreme Court

A. Description of Court

1. Number of justices. 6
2. Number of law clerks.
 - a. Per justice. 1
 - b. Central staff. 6
3. Jurisdiction.

a. Discretionary Jurisdiction:

if certified by Supreme Court or intermediate Court, review of:

- (1) civil matters of \$7,500 or less;
- (2) criminal matters of \$1,000/1 year or less penalty
- (3) ordinance violations.

Supreme Court decisions on administrative appeals reviewed only on certification by two Supreme Court judges.

Reference:

Connecticut General Statutes Annotated, §51-197a, 51-197f.

b. Other Jurisdiction:

Direct appeals as of right from trial court, except those within jurisdiction of intermediate court.

Reference:

Connecticut General Statutes Annotated, §§51-197a.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during FY 1977-78. 65
2. The number of petitions acted on during 1979.

- a. Allowed.
- b. Denied.
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.

File petition within 20 days after finality of intermediate court opinion.

Administrative appeals heard on approval by two judges.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during FY 1977-78.
 - a. By written opinion. 186
 - b. By per curiam opinion. (some)
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion.(opinion required if submitted)
3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

Notice by calendar; not over 60 minutes.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Florida Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 2 (CJ 3)
 - b. Central staff. 0
3. Jurisdiction. (see comment)

a. Discretionary Jurisdiction:

Review by certiorari only of intermediate court decisions (1) affecting class of constitutional or state officers, (2) passing on question certified by intermediate court as of great public interest, or (3) conflicting with another appellate court decision.

No apparent bypass provision to review case before intermediate court decision on matter within its jurisdiction.

Reference: Florida Statutes Annotated, Constitution Article 5, §3.

b. Other Jurisdiction:

Appeal of right from intermediate court only on validity of constitutional provision, federal statute or treaty, or state statute. Direct appeal from trial court only for final judgment imposing death penalty or passing on validity of constitutional, statute or treaty provision.

Reference: Florida Statutes Annotated, Constitution Article 5, §3.

B. Disposition of Petitions for Review or Certiorari (See Comment)

1. The number of petitions received during 1979. 1,672
2. The number of petitions acted on during 1979. 1,631

a. Allowed.

b. Denied.

3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

30 days from finality below.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?

7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument (See Comment)

1. Number of cases heard on oral argument in FY 1978-79.

2. Number of cases decided during 1979. (Total FY 1979: 468)

a. By written opinion.

b. By per curiam opinion. (some)

c. By memorandum opinion.

d. By unpublished opinion. (all published?)

e. Without opinion. (opinions not required)

3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

20 minutes to argue. Oral arguments heard en banc only for appeals involving capital cases, validity of state or federal statute, or provisions of state or federal constitution. Otherwise, five justices constitute a quorum, with concurrence

of four justices necessary for a decision. Qualified judges assigned to temporary duty may be substituted for required justices.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

Chief Justice decides ad hoc which cases to expedite.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

A proposed constitutional amendment to change Supreme Court jurisdiction was approved by voters in March, 1980.

As set forth in the newly-amended Article 5 to the State Constitution, the Supreme Court's discretionary jurisdiction now includes:

(a) review of written opinions by intermediate appellate court; and

(b) review of certified questions from the intermediate court or the federal appellate courts.

Its other jurisdiction is as follows:

(a) appeals from trial court final judgments where death penalty imposed;

(b) review of intermediate appellate court decisions declaring state constitutional or statutory provision invalid;

(c) review of judgments entered in proceedings for validation of bonds;

(d) review of Public Service Commission decisions involving electric, gas or telephone service;

(e) issuance of extraordinary writs and those necessary to exercise its jurisdiction.

Because most recent data was obtained from different sources, the number of discretionary jurisdiction cases filed and disposed is reported for calendar year 1979, while the number of oral argument cases decided is for the fiscal year ending 1979..

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Georgia Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 2 (CJ 3)
 - b. Central staff. 0
3. Jurisdiction.

a. Discretionary Jurisdiction:

Review of intermediate court decisions only by certiorari. Supreme Court can also require other cases to be certified from intermediate court before decision there.

Reference: Georgia Code Annotated, Constitution Article 6, §2-3704.

b. Other Jurisdiction:

All cases involving: (1) construction of federal or state constitution or federal treaty; (2) title to land; (3) equity cases; (4) construction of wills; (5) capital felonies; (6) habeas corpus; (7) divorce and alimony; (8) extraordinary remedies.

Reference: Georgia Code Annotated, Constitution Article 6, §2-3704.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1979.
 - a. Allowed.
 - b. Denied.

3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
Must be filed within 30 days after denial of motion for rehearing.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion.
 - b. By per curiam opinion. (some)
 - c. By memorandum opinion.
 - d. By unpublished opinion. (some)
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
Notice by printed calendar. 20 minutes maximum; some limited to 10 minutes.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? Yes
7. If so, please describe and attach copies.

Two-term rule: all cases must be cleared within two terms (court has three terms per year). Clerk monitors filings; time limits strictly enforced.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Hawaii Supreme Court (see comment)

A. Description of Court

1. Number of justices. 5
2. Number of law clerks.
 - a. Per justice. 2 (CJ 3)
 - b. Central staff. 1
3. Jurisdiction.

a. Discretionary Jurisdiction:

Questions of first impression; novel legal question; constitution; validity of statute, ordinance or regulation; inconsistency between supreme and intermediate courts; and capital cases, may be heard directly by supreme court in its discretion. Appeals from intermediate court only by certiorari.

Reference: Hawaii Statutes Ch. 602

b. Other Jurisdiction: See Above

Reference: Hawaii Statutes Ch. 602

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1979.
 - a. Allowed.
 - b. Denied.
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion.
 - b. By per curiam opinion. (some)
 - c. By memorandum opinion. (some)
 - d. By unpublished opinion. (some)
 - e. Without opinion. (no requirement of written opinion)
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
Notice by phone call and printed notice; 30 minutes to argue.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
Intermediate court created 1980.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Idaho Supreme Court (see comment)

A. Description of Court

1. Number of justices. 5
2. Number of law clerks.
 - a. Per justice. 2
 - b. Central staff. 1
3. Jurisdiction.
 - a. Petitions for review or certiorari.
 - b. Other (If so, please describe). Yes

At present, all appellate cases.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1979.
 - a. Allowed.
 - b. Denied.
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?

7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.

2. Number of cases decided during 1979.

- a. By written opinion. 188
- b. By per curiam opinion. (some)
- c. By memorandum opinion.
- d. By unpublished opinion.
- e. Without opinion. (written opinion required if case submitted)

3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

Notice by form letter; 30 minutes to argue.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? Yes

7. If so, please describe and attach copies.

Expedited calendar: staff attorney screens for one-issue appeals, and such cases are scheduled for hearing 2 months later if the Supreme Court unanimously approves staff attorney recommendation.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

Intermediate court to begin operation in 1981.

4. Date completed. December 10, 1980

#

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Illinois Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 2
 - b. Central staff. 1
3. Jurisdiction.

a. Discretionary Jurisdiction:

Appeal from intermediate court only by leave of Supreme Court, except as set forth below.

Bypass: If public interest requires prompt determination, Supreme Court or one of its justices may order appeal direct to Supreme Court.

Reference: Illinois Revised Statutes, Ch. 37, §32.2; Ch. 110A, §302; Supreme Court Rule 302.

b. Other Jurisdiction:

Trial court imposition of death penalty appealable direct to Supreme Court.

Appeal of right from intermediate court when federal or Illinois constitutional question arises for first time and as the result of appellate court action, or upon intermediate court certification that matter is of such importance as to require Supreme Court decision.

Reference: Illinois Revised Statutes, Constitution Article 6, §4; Ch. 37, §32.2.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1978. 989

2. The number of petitions acted on during 1978.
 - a. Allowed. 158
 - b. Denied. 831

3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
File within 21 days after decision below final, or 7 days after disposition of rehearing petition.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise? Yes?
7. If so, please describe and attach copies.
If leave to appeal granted, appellant may stand on brief below. Extension motions discouraged.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1978.
 - a. By written opinion. 195
 - b. By per curiam opinion. (some)
 - c. By memorandum opinion. (some orders)
 - d. By unpublished opinion.
 - e. Without opinion. (written opinions not required)

3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
Notice by letter and calendar; 30 minutes maximum, with 10 minutes to rebut.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.

Intermediate appellate court for southern Illinois has accelerated docket program in which the court's chief justice informs counsel which justice has been assigned to write the opinion in a case, and when it is due. If the justice fails to meet the opinion deadline, he or she must make a written explanation.

4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Indiana Supreme Court

A. Description of Court

1. Number of justices. 5
2. Number of law clerks.
 - a. Per justice. 2
 - b. Central staff. 2
3. Jurisdiction.

a. Discretionary Jurisdiction:

Certiorari from intermediate court decision if (1) contrary to Supreme Court ruling; (2) new question of law; (3) conflict among intermediate court districts; (4) review of precedent relied on; (5) failure to answer each substantial question.

Bypass provision: Supreme Court can order transfer before decision on important question.

Reference: Indiana Constitution Article 7, §4; Appellate Rules 4, 11.

b. Other Jurisdiction:

Appellate jurisdiction: felonies with 10+ years penalty; constitutionality of statute; denial of release in habeas corpus proceedings.

Original jurisdiction: mandamus and prohibition; attorney practice and discipline; judge discipline.

Reference: Indiana Constitution Article 7, §6; Appellate Rule 4.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.

2. The number of petitions acted on during 1979.

- a. Allowed.
- b. Denied.

3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

20 days from denial below of rehearing petition to file for review.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?

7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.

2. Number of cases decided during 1978.

- a. By written opinion. 275
- b. By per curiam opinion. 7
- c. By memorandum opinion.
- d. By unpublished opinion.
- e. Without opinion. (no requirement of written opinions)

3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

Notice by form letter; 30 minutes maximum to argue.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Iowa Supreme Court (see comment)

A. Description of Court

- | | |
|--------------------------|---|
| 1. Number of justices. | 9 |
| 2. Number of law clerks. | |
| a. Per justice. | 1 |
| b. Central staff. | 7 |
| 3. Jurisdiction. | |

a. Discretionary Jurisdiction:

All appeals are direct to Supreme Court, which then orders transfer as necessary to intermediate court.

On party motion, Supreme Court may further review intermediate court decision.

Discretionary review exercised only on appeals from intermediate court, original certiorari, and attorney discipline.

Reference: Iowa Code §§684.2, 684.32.

b. Other Jurisdiction:

By rule, court should retain cases involving (1) constitutionality of statute, ordinance or rule; (2) substantial issue in conflict with Supreme Court or intermediate court published decision; (3) substantial issue of first impression; (4) urgent public issue; (5) life imprisonment case; (6) lawyer discipline; (7) matters appropriate for summary disposition.

Most decisions (88% in 1979) on matters appealed as of right.

Reference: Iowa Rules of Appellate Procedure, Rule 401.

c. Comments:

Appellate review may be discretionary or as of right. Supreme Court decides which appeals of right to dismiss as frivolous or for procedural defects and which are of sufficient moment to merit Supreme Court review rather than being transferred to Court of Appeals. It may then, in its discretion, grant further review of a Court of Appeals decision.

B. Disposition of Petitions for Review or Certiorari

- | | |
|--|---|
| 1. The number of petitions received during 1979. | |
| 2. The number of petitions acted on during 1979. | 142 |
| a. Allowed. | 26 |
| | (Does not include interlocutory appeals or attorney disciplinary matters.) |
| b. Denied. | 116 |
| | (Does not include 98 denials of permission to appeal interlocutory ruling.) |
| 3. The average number of days elapsed between filing of petition and action by allowance or denial. | Action must be taken within 30 days of intermediate court decision. |
| 4. Procedures for handling petitions. Please describe. | |
| | Central staff attorneys screen cases and make recommendations to 3-judge Supreme Court panel, who then recommend to full court which cases to dispose summarily, which to transfer to intermediate court, and which to retain, by 2/3 vote. Motion to resist transfer or to reconsider denial of intermediate court review, heard en banc (5/9 vote to hear). |
| 5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.) | Yes |

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise? Yes

7. If so, please describe and attach copies.

Intermediate court opinion final unless Supreme Court acts on petition within 30 days. Two-stage screening: central staff attorneys, 3-judge panel. (See attached copy of rule)

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.

2. Number of cases decided during 1979.

a. By written opinion. 265

b. By per curiam opinion. 25 (some)
(Substantial decrease from 1977 and 1978.)

c. By memorandum opinion.

d. By unpublished opinion. (per curiam not published)

e. Without opinion. (no requirement to write opinions)

3. Average number of days elapsed between oral argument and final disposition. 152 days (from date ready for submission, i.e., to be argued within 30 days, to opinion)

4. Procedures for handling disposition of cases. Please describe.

Except for most complex and controversial cases, oral arguments heard by 5-judge divisions. Draft opinions circulated to whole court, and although most cases are decided by divisions, any 2 judges can require en banc decision any time prior to final opinion approval. (228 of 290 decisions in 1979 made by 5-judge divisions.)

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.) Yes

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? Yes

7. If so, please describe and attach copies.

Screening attorneys write memoranda on whether (a) to sit en banc or in division for any cases; (b) whether and how long to allow for argument; 3-judge panel recommends to court what to do. (Average oral argument time: 35 minutes.)

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

Intermediate court began hearing cases in 1977.

4. Date completed. December 10, 1980

###

Iowa - Five judges, nine judge court, en banc.

RULE 12. APPLICATION TO SUPREME COURT FOR FURTHER REVIEW

"(a) Preparation of memoranda. Central staff research attorneys of the supreme court shall prepare a memorandum on each application for further review of a court of appeals decision. Appendix 2 is the form of a memorandum.

The memorandum shall describe the status, issues and facts involved in the application and analyze the issues presented.

The memorandum shall also contain recommendations regarding a ruling on the application, the scope of submission, whether supplemental briefs should be required, the manner of submission and the amount of oral argument which should be allowed.

The memorandum only constitutes the staff attorney's views. The recommendation to the supreme court shall be made independently by a panel of justices of the supreme court under subdivisions (b) and (c) of this rule. The memorandum shall not contain a recommendation as to the ultimate result if further review is granted.

The memorandum shall be circulated to all members of the supreme court.

The cover page of a memorandum through the general case description may be made available to the public. The remainder of the memorandum shall be confidential."

"(b) Review by rotating panel. Each application for further review, resistance, previously filed briefs and appendix, and memorandum shall be examined by a rotating panel of three justices, which shall make a recommendation to the supreme court. If granting is recommended, the scope and manner of submission also shall be recommended."

"(c) Court conference. The supreme court en banc shall consider each application for further review, resistance and memorandum in a conference. The affirmative vote of at least five justices shall be required to grant an application for further review. If an application is granted, the supreme court shall determine the scope and manner of submission." (Supreme Court Rules, Rule 12, West Desk Copy, September 1979).

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Kansas Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 1
 - b. Central staff. 0
3. Jurisdiction.
 - a. Discretionary Jurisdiction:
Any intermediate court decision reviewable on approval of petition.
Bypass: transfer from intermediate court on important questions.
Reference: Kansas Constitution, Art. 3, §2.
 - b. Other Jurisdiction:
Original: quo warranto, mandamus, habeas corpus.
Appellate: Class A and B felonies, life sentences and constitutional questions.
Reference: Kansas Constitution, Art. 3, §2.

B. Disposition of Petitions for Review or Certiorari

Appeals: 257* Orig. Jurisdiction: 33

1. The number of petitions received during FY 1978-79. 120

*includes 136 transferred from intermediate court before decision there.

2. The number of petitions acted on during 1979. 113
- a. Allowed. 11
- b. Denied. 102
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
File within thirty days after opinion below.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.
- C. Disposition of Cases Heard on Oral Argument
1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979. (Total FY 79: 271)
- a. By written opinion. 271
- b. By per curiam opinion. (some)
- c. By memorandum opinion.
- d. By unpublished opinion. (some)
- e. Without opinion. 23: 4 dismissals by court, 19 voluntary dismissals.

3. Average number of days elapsed between oral argument and final disposition. (FY 1977-78; from "readiness" to decision): civil cases, 9.1 months; criminal cases, 5.2 months.
4. Procedures for handling disposition of cases. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.
- D. Additional Information
1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
Howard Schwartz (913) 296-2258
3. Further comments.
4. Date completed. December 10, 1980

#

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Kentucky Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 1 (CJ 3)
 - b. Central staff. 3
3. Jurisdiction.

a. Discretionary Jurisdiction:

All cases but capital and serious crimes reviewable on approval of petition from intermediate court or administrative agency.

Reference: Kentucky Constitution § 110; Kentucky Revised Statutes §§ 22A. 010-22A.030.

b. Other Jurisdiction: Appellate: Capital Cases and felonies (20-plus years).

Reference: Kentucky Constitution §§ 110-111; KRS §§22A 010-22A.030.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1978. 486
2. The number of petitions acted on during 1979.
 - a. Allowed. 123
 - b. Denied. 342
3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

If no petition for rehearing below, 40 days to seek review. Staff attorneys screen motions for discretionary review, then court decides which to grant.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1978.
 - a. By written opinion. 227
 - b. By per curiam opinion. (some)
 - c. By memorandum opinion.
 - d. By unpublished opinion. (some)
 - e. Without opinion. No requirement that all cases be decided by opinion.
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe. Notice by court order; argument in all cases unless court directs otherwise. Oral arguments every third week (3-4 days, 4 cases/day) After hearing, court decides; case assigned to major judge. Opinions usually ready by next sitting for oral argument.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? yes

7. If so, please describe and attach copies.

Chief Justices law clerk screens cases to recommend those for oral argument, though most are argued, and to recommend those for memo opinion. Opinions usually completed within one month.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed. December 10, 1980

#

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL.

Court: Louisiana Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 3
 - b. Central staff. 9
3. Jurisdiction.

a. Discretionary Jurisdiction:

State Court may, by writ of certiorari, order any case decided by intermediate court to be certified for review.

Reference: Louisiana Constitution, Article 5, §11.

b. Other Jurisdiction:

Appeal of right from intermediate courts if conflict with State Court precedent or with intermediate court of another circuit on issue not yet decided by State Court.

Direct appeal from trial court in all criminal cases with penalty of \$500 or 6 months or more, including death and hard labor sentences, and from cases re: constitutionality of tax ordinance or statute.

Reference: Louisiana Constitution Article 5, §§ 5, 11.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979. (writs filed) 2,271
2. The number of petitions acted on during 1979. 2,052
 - a. Allowed. 529 Dismissed: 11
Not Considered: 50
 - b. Denied. 1,462

3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

Total Opinions 1979

Appeals: opinions: 217; per curiam: 217
 Writs: opinions: 178
 Original Jurisdiction: opinions 11
 Other opinions: 1
 Other per curiam: 44
 Rehearings: opinions 18

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion.(total opinions) 425
 - b. By per curiam opinion. 261
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.

Notice by printed docket and printed calendar

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Maryland Court of Appeals

A. Description of Court

- | | |
|--------------------------|----------|
| 1. Number of justices. | 7 |
| 2. Number of law clerks. | |
| a. Per justice. | 1 (CJ 2) |
| b. Central staff. | 0 |
| 3. Jurisdiction. | |

a. Discretionary Jurisdiction:

Writ of certiorari for review of intermediate court decisions.* Bypass provision: on party or State Courts own motion.

*Includes review of circuit court decision if that court acted in an appellate capacity for case from district court.

Reference: Maryland Courts & Judicial Procedure Code Annotated §§ 12-201, 12-203, 12-305, 12-307.

b. Other Jurisdiction:

Exclusive appellate jurisdiction of questions of law certified under Uniform Certification of Questions of Law Act.

Reference: Maryland Courts and Judicial Procedure Code Annotated §12-307.

B. Disposition of Petitions for Review or Certiorari

- | | |
|--|---|
| 1. The number of petitions received during 1978-1979 court year. | 483 |
| 2. The number of petitions acted on during 1979. | 463 |
| a. Allowed. | 101 |
| b. Denied. | 357 (not included here: 3 dismissed, 2 withdrawn) |

- | | |
|--|--|
| 3. The average number of days elapsed between filing of petition and action by allowance or denial. | |
| 4. Procedures for handling petitions. Please describe. | |
| 5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.) | |
| 6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise? | |
| 7. If so, please describe and attach copies. | |

C. Disposition of Cases Heard on Oral Argument

- | | |
|--|-----|
| 1. Number of cases heard on oral argument in FY 1978-79. | 128 |
| 2. Number of cases decided during 1979. | |
| a. By written opinion. | 112 |
| b. By per curiam opinion. | 5 |
| c. By memorandum opinion. | |
| d. By unpublished opinion. | 6 |
| e. Without opinion. | 7 |
| 3. Average number of days elapsed between oral argument and final disposition. | 85 |
| 4. Procedures for handling disposition of cases. Please describe. | |
| 5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.) | |
| 6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? | |
| 7. If so, please describe and attach copies. | |

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed. December 10, 1980

#

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Massachusetts Supreme Judicial Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 1 (CJ 2)
 - b. Central staff. 3
3. Jurisdiction.

a. Discretionary Jurisdiction:

Concurrent jurisdiction with intermediate court of all trial court appeals. Further review by certiorari of intermediate court decisions.

Reference: Massachusetts General Laws, Chapter 211, §3; Chapter 211 A, §§ 10, 11.

b. Other Jurisdiction:

Certain original equity jurisdiction; original authority to remove certain court officers.

Reference: Massachusetts General Laws Chapter 211, §§3, 4, 4A, 17; Chapter 213, § 1A; Chapter 214, §1.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1979.
 - a. Allowed.
 - b. Denied.
3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

Central staff, consisting of former SJC law clerks, review all appeal cases to recommend those proper for SJC appellate review.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise? yes

7. If so, please describe and attach copies.

Summary calendar used in 1978 (suspended in 1980), to screen appeals to identify those for which summary decision can be entered without opinion.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1975-76.

2. Number of cases decided during FY 1975-76.

- a. By written opinion. 255
- b. By per curiam opinion.
- c. By memorandum opinion.
- d. By unpublished opinion.
- e. Without opinion.

3. Average number of days elapsed between oral argument and final disposition. 90.7 days

4. Procedures for handling disposition of cases. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? yes

7. If so, please describe and attach copies.

Any appeal ready for oral argument by February 1 of any court year (9/1 through 8/31) will be heard before completion of oral arguments that year. Each justice has 120 days to write an opinion from the date of its assignment to him, or else he must file a request with the clerk (open for public inspection) for approval of the quorum for a time extension.

D. Additional Information

- 1. Name, address and phone number of person or persons responding.
- 2. Names, addresses and phones of other people who may give further assistance.

Daniel Johnedis, Esq., New Courthouse, Boston, (617) 725-8030.

3. Further comments.

4. Date completed.

December 10, 1980

#

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Michigan Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 2 (CJ 3)
 - b. Central staff. 10
3. Jurisdiction.
 - a. Discretionary Jurisdiction:
 Appeals from intermediate court decisions, by application and leave granted by state court.

 Bypass on showing of substantial question, significant public interest, legal principle of major significance or substantial harm.

 Reference: Michigan Constitution Article 3, §4; Michigan Court Rules 632, 853.
 - b. Other Jurisdiction:
 Review of judicial or bar discipline decisions. Orders in nature of prerogative units.

 Reference: Michigan Statutes Annotated. § 27A.217; Michigan Court Rules 711, 851.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1978. 1568
2. The number of petitions acted on during 1979. 1381
 - a. Allowed.(includes leave granted for oral argument and final orders without opinions) 230

b. Denied.(excludes 34 dismissals and withdrawals) 1151

3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

Petitions to appeal are accompanied by full briefs and a full record. A case is assigned to one of the court's 10 experienced staff attorneys, who prepares an extensive memorandum and recommends granting or denying the petition. The memorandum is circulated to all judges, and the staff attorney recommendation becomes final within a specified time (about 2 weeks) unless a judge holds the case for discussion. A case held is taken up in conference where the court votes whether to grant the petition.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise? yes

7. If so, please describe and attach copies.

Under Rules 852.2 (4) (g) and 853.2 (4), leaves to appeal are disposed without formal opinion but with specific reasons stated in order for action taken. No oral argument for such cases.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion. 127
 - b. By per curiam opinion.
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion.

3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Minnesota Supreme Court (see comment)

A. Description of Court

- | | |
|---|-------------------|
| 1. Number of justices. | 9 |
| 2. Number of law clerks. | |
| a. Per justice. | 1 |
| b. Central staff. | 4 |
| 3. Further comments. | |
| Intermediate court under consideration, for 1982 referendum | |
| 4. Date completed. | December 10, 1980 |

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Missouri Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 1
 - b. Central staff. 0
3. Jurisdiction.

a. Discretionary Jurisdiction:

Certiorari to review intermediate court decisions. On Supreme Court order, important questions transferable before intermediate court decision.

Reference:

b. Other Jurisdiction:

Exclusive jurisdiction regarding (1) validity of constitutional, statutory or treaty provision; (2) construction of state reserve laws; (3) title to state office; and (4) capital cases.

Reference: Missouri Constitution, Art. V, if dissenting judge in intermediate court certifies its majority opinion to be contrary to a prior appellate decision, case is transferable to supreme court, §§3, 10.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1979.
 - a. Allowed.
 - b. Denied.

3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during FY 1977-78.
 - a. By written opinion. 9
 - b. By per curiam opinion.
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Nevada Supreme Court (see comments)

A. Description of Court

1. Number of justices. 5
2. Number of law clerks.
 - a. Per justice. 1
 - b. Central staff. 5
3. Further comments.
Intermediate Court public referendum, 1980.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: New Jersey Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 2 (CJ 3)
 - b. Central staff. 2
3. Jurisdiction.

a. Discretionary Jurisdiction:

Appeals on certification by petition or court's own motion to intermediate court, without authorization to provide by rule for certification to lower courts. Appeals by State court leave from interlocutory orders (a) of trial courts in capital cases; (b) of intermediate court to prevent irreparable injury; and (c) on certification to intermediate court.

Reference: New Jersey Constitution Article 6, §5, par. 1.; R. 2:2-1 (b), 2:2-2, 2:12.

b. Other Jurisdiction:

Appeal of right from intermediate court if (a) substantial constitution question; (b) dissenting opinion in intermediate court.

Reference: New Jersey Constitution Article 6, §5, par. 1.; R. 2:2-1 (a).

B. Disposition of Petitions for Review or Certiorari

	<u>Cert. Pet.</u>	<u>Cert. Mot.</u>	<u>App. Leave granted.</u>
1. The number of petitions for certification received during FY 1978-79	916	12	132
2. The number of petitions acted on during FY 78-79.	975	52	132

- a. Grant and remand 4
- b. Allowed 105 20 16
- c. Dismiss before perfection 100
- d. Denied. 766 32 116

3. For 183 appeals decided, days from judgement below to NOA or grant of certification (date of certification granted used in large majority of cases. Mean: 106
Median: 92
Range: 0-345

4. Procedure for handling petitions. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.) yes

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?

7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79. 144
2. Number of cases decided during FY 1978-79
 - a. By written opinion. 93 by written opinion
 - b. By per curiam opinion. 35
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion. (dismissed after argument) 15

3. Average number of days elapsed between oral argument and final disposition.* Mean: 128
Median: 108
Range: 8-608 days

*date of decision.

4. Procedures for handling disposition of cases. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
Robert Lipscher (609) 292-4636.
3. Further comments.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: New Mexico Supreme Court

A. Description of Court

1. Number of justices. 5
2. Number of law clerks.
 - a. Per justice.
 - b. Central staff.
3. Jurisdiction.

a. Discretionary Jurisdiction:

By writ of certiorari or certification by intermediate court, state court reviews intermediate court decisions if (1) in conflict with state court or other intermediate court decision; (2) significant constitution question; (3) issue of substantial public interest.

Reference: New Mexico Statutes § 34-5-14 (See§16-7-14)

b. Other Jurisdiction:

Direct appellate review of death penalty or life imprisonment.
Original jurisdiction of extraordinary writs and attorney practice.

Reference: New Mexico Constitution Article 6, § 3;
Statutes, Chapter 18.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979. 182
2. The number of petitions acted on during 1979. 166
 - a. Allowed. 22
 - b. Denied/Quashed. 144

3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79. 149
2. Number of cases decided during 1979.
 - a. By written opinion. 195
 - b. By per curiam opinion. 2
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition. 74.8.
(Submission to opinion or decision)
4. Procedures for handling disposition of cases. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: New York Court of Appeals

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 2 (CJ3)
 - b. Central staff. 7
3. Jurisdiction.

a. Discretionary Jurisdiction:

Court may review intermediate court judgment or order on leave or certification by court of appeals or intermediate court.

Reference: New York Constitution, Article 6, §3.

b. Other Jurisdiction:

Direct appeal of right from trial court to review validity of constitutional or statutory provision. Review by right of intermediate court civil decision if constitutional question, if dissent, or if reversal of trial court. Limited review of fact questions.

Reference: New York Constitution, Article 6, §3.

B. Disposition of Petitions for Review or Certiorari

	<u>Criminal</u>	<u>Civil</u>
1. The number of motions or applications for leave received during 1978.	1692	650
2. The number of petitions acted on during 1978.	1554	648
a. Allowed.	111	66
b. Denied or dismissed.	1443	582
3. The average number of days elapsed between filing of petition and action by allowance or denial.		

4. Procedures for handling petitions. Please describe.

Civil motions for leave to appeal require vote and decision of all judges. Criminal leave applications, however, are allocated among the judges for one-judge decisions. (About one third of matters assigned to each judge require oral hearing in addition to review of record.) All cases screened by central staff for sua sponte dismissal if jurisdiction absent; central staff also prepare memoranda on motions.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in 1978. 539
2. Number of cases decided during 1978. 557
 - a. By written opinion. 175
 - b. By per curiam opinion. 28
 - c. By memorandum opinion. 217
 - d. By unpublished opinion.
 - e. Without opinion (includes decisions with no opinion and those adopting opinion below. 137
3. Average number of days elapsed between oral argument and final disposition. 4-6 weeks for 90-95% of cases.
4. Procedures for handling disposition of cases. Please describe.
"Hot bench" approach; see C. 7 below.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

All judges study briefs and records before oral argument, and they meet in conference for first discussion of any case one day after argument. Three weeks later, after discussions and written exchanges, conference again for all cases.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: North Carolina Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 1(CJ 2)
 - b. Central staff. 0

3. Jurisdiction.

a. Discretionary Jurisdiction:

Cases of significant public interest and those involving major legal principles. Most cases only after review from intermediate Court.

Bypass directly from trial courts, when likelihood of substantial harm if delay, when appellate workload such that justice requires it, or when intermediate court decision appears likely to conflict with state court decision.

Reference: North Carolina General Statutes §7A-31.

b. Other Jurisdiction:

Cases on appeal by right from intermediate court (PUC rate cases, constitutional cases and those where dissent in intermediate court).

Appeals by right from general trial court (capital cases).

Reference: North Carolina General Statutes §§7A-27, 7A-30.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1978-1979. (Review of intermediate court decision, review before intermediate court decision, certiorari) 414 (not included: in this are 62 appeals for further review)

2. The number of petitions acted on during 1979.

a. Allowed.

63

b. Denied.

3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?

7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.

2. Number of cases decided during 1979.

162

a. By written opinion.

b. By per curiam opinion.

c. By memorandum opinion.

d. By unpublished opinion.

e. Without opinion.

3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

Informal rule creates peer pressure for prompt opinions.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Ohio Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 4 Justices: 2
3 Justices: 1
 - b. Central staff. 5
3. Jurisdiction.
 - a. Discretionary Jurisdiction:
 In cases of great public interest, State Court may order court of appeals to certify record to state court for review of court of appeals decision. Where a court of appeals finds its decision in conflict with that of another court of appeals in state, it certifies case to state court and state court must review.

 No bypass provision.

 Reference: Ohio Revised Code Annotated, Constitution Article 4, §§ 2,3 (Baldwin, 1971)
 - b. Other Jurisdiction:
 Appeal of right from court of appeals in cases (1) originating in court of appeals; (2) where death penalty affirmed; (3) involving constitutional questions.

 Administrative appeals as of right to State Court.

 Original jurisdiction re: extraordinary writs, practice of law, constitutional challenge re: electors.

 Reference: Revised Code Annotated, Constitutional Article 4 §§ 1, 2; Article 6, § 3.

B. Disposition of Petitions for Review or Certiorari

1. The number of motions to certify and for leave to appeal received during 1979. 1385

2. The number of petitions acted on during 1979. 1366
 - a. Allowed. 146
 - b. Denied. 1220
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion.
 - b. By per curiam opinion.
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Oklahoma Supreme Court (see comment)

A. Description of Court

1. Number of justices. 9
2. Number of law clerks.
 - a. Per justice. 1
 - b. Central staff. 4
3. Jurisdiction.

a. Discretionary Jurisdiction:

All civil appeals filed with supreme court, which then assigns some of such cases to civil intermediate court. It can recall cases so assigned before decision below, or it can review intermediate court decisions on grant of certiorari.

Reference: Oklahoma Constitution, Article 7, §§1, 4; Oklahoma Statutes, Tit. 20, §30.1.

b. Other Jurisdiction:

Direct appeal of civil cases from trial court. Beyond superintendence control, no authority to review decisions by intermediate criminal appeals court.

Reference: Oklahoma Constitution, Art. 7, §4, See Dancy V. Owens, 126 Oklahoma 37, 258 P. 899 (1927)

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1977. 181
2. The number of petitions acted on during 1977. 188
 - a. Allowed. 39
 - b. Denied. 146 (other dispositions: 3)

3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

Review of civil intermediate court decisions require decision by majority of court to grant certiorari.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?

7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.

2. Number of cases decided during 1979.

a. By written opinion.

b. By per curiam opinion.

c. By memorandum opinion.

d. By unpublished opinion.

e. Without opinion.

3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

The Oklahoma Court of Criminal Appeals is an intermediate court with exclusive and final appellate jurisdiction of criminal matters.

4. Date completed.

December 10, 1980

###

CONTINUED

1 OF 2

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Oregon Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 1
 - b. Central staff. 5
3. Jurisdiction.

a. Discretionary Jurisdiction:

By grant of petition, review of any intermediate court decision.

Reference: Oregon Revised Statutes, §2.510.

b. Other Jurisdiction:

Extraordinary writs.

Reference: Oregon Constitution, Article 7, Amend., §2.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1979.
 - a. Allowed.
 - b. Denied.
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.

Vote of three judges required for grant of review petition.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion.
 - b. By per curiam opinion.
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
4. Date completed. December 10, 1980.

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Pennsylvania Supreme Court

A. Description of Court

1. Number of justices. 7
2. Number of law clerks.
 - a. Per justice. 4-5
 - b. Central staff. 0
3. Jurisdiction.

a. Discretionary Jurisdiction:

Final orders of intermediate courts (other than set out below), on allowance by two justices on petition by any party.

Bypass: On own motion or party petition, state court may order important matter pending in any other court to be transferred to it. Also, review of special prosecutions or investigations. *Any matter reassigned pursuant to 42 PA C.S. §§503(a), 701(b).

Reference: Pa C.S. §§ 724, 726; See Pa R.A.P., Rules 341 (b), 702 (b) 3331.

b. Other Jurisdiction:

Extraordinary writs.

Reference: 42 Pa C.S. § 721, 722, 723, 725. *Under 42 Pa. C.S. §503(a), the Supreme Court is authorized to assign and reassign, by general rule, classes of matters among the courts, and all inconsistent statutes are thereby suspended. See Also, 42 Pa. C.S. §701 (b).

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1978.
2. The number of petitions acted on during 1978. 1,126
 - a. Allowed. 155

b. Denied. 971

3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise? yes

7. If so, please describe and attach copies.

Thirty days after opinion in intermediate court is final, petition must be filed with state court.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in 1978. 292

2. Number of cases decided during 1978.

a. By written opinion. 384

b. By per curiam opinion. 197

c. By memorandum opinion.

d. By unpublished opinion.

e. Without opinion.

3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: South Carolina Supreme Court (see comment)

A. Description of Court

1. Number of justices. 5
2. Number of law clerks.
 - a. Per justice. 1
 - b. Central staff. 6
3. Jurisdiction.

a. Discretionary Jurisdiction:

Reference:

b. Other Jurisdiction:

Once intermediate appellate court is created, state court review of criminal cases only by certiorari. Direct appeal in civil cases.

Reference:

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1979.
 - a. Allowed.
 - b. Denied.
3. The average number of days elapsed between filing of petition and action by allowance or denial.
4. Procedures for handling petitions. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.
2. Number of cases decided during 1979.
 - a. By written opinion.
 - b. By per curiam opinion.
 - c. By memorandum opinion.
 - d. By unpublished opinion.
 - e. Without opinion.
3. Average number of days elapsed between oral argument and final disposition.
4. Procedures for handling disposition of cases. Please describe.
5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?
7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

Intermediate court operations delayed?

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Tennessee Supreme Court

A. Description of Court

- | | |
|--------------------------|---|
| 1. Number of justices. | 5 |
| 2. Number of law clerks. | |
| a. Per justice. | 1 |
| b. Central staff. | 2 |
| 3. Jurisdiction. | |

a. Discretionary Jurisdiction:

Review of decisions by either of state's two (civil and criminal) intermediate courts is by writ of certiorari.

Reference: Tennessee Code Annotated §§16-452, 26-819.

b. Other Jurisdiction:

Direct jurisdiction of cases involving constitutionality of statute or ordinance, right to hold public office, workmen's compensation, state revenue, mandamus, and where trial court facts are stipulated.

Reference: Tennessee Code Annotated §§ 16-304, 16-408, and 16-448.

B. Disposition of Petitions for Review or Certiorari

- | | |
|---|-----|
| 1. The number of petitions received during 1978. | 675 |
| 2. The number of petitions acted on during 1978. | 675 |
| a. Allowed. | 82 |
| b. Denied. | 585 |
| 3. The average number of days elapsed between filing of petition and action by allowance or denial. | |

4. Procedures for handling petitions. Please describe.

Vote of two justices required for grant of petition.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

Tennessee Rules of Appellate Procedure, Rule 11 (e).

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?

7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.

2. Number of cases decided during 1978.

a. By written opinion.

b. By per curiam opinion.

39

c. By memorandum opinion.

d. By unpublished opinion.

e. Without opinion.

3. Average number of days elapsed between oral argument and final disposition.

4. Procedures for handling disposition of cases. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Texas Supreme Court (see comment)

A. Description of Court

- | | |
|--------------------------|----------|
| 1. Number of justices. | 9 |
| 2. Number of law clerks. | |
| a. Per justice. | 1 (CJ 2) |
| b. Central staff. | 4 |
| 3. Jurisdiction. | |

a. Discretionary Jurisdiction:

Reference:

b. Other Jurisdiction:

No criminal cases. Intermediate court cases reviewed if there is a dissent or a conflict among intermediate civil court decisions or with supreme court precedent. Review also for construction or validity of statute, state revenue or cases involving railroad commission.

Reference: Vernon's Texas Statutes Annotated, Article 1728.

B. Disposition of Petitions for Review or Certiorari

Total cases passed on: 1040

- | | |
|---|-----|
| 1. The number of petitions received during 1979. (applications for writ of error) | 822 |
| 2. The number of petitions acted on during 1979. | 776 |
| a. Allowed.(granted) | 134 |
| b. Denied.(refused or dismissed) | 642 |
| 3. The average number of days elapsed between filing of petition and action by allowance or denial. | |

4. Procedures for handling petitions. Please describe.

Court reviews in conference, with application granted if three or more justices vote that there was an error in intermediate court.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)
6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?
7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

- | | |
|--|----|
| 1. Number of cases heard on oral argument in FY 1978-79. | |
| 2. Number of cases decided during 1979. | |
| a. By written opinion. | 93 |
| b. By per curiam opinion. | 20 |
| c. By memorandum opinion. | |
| d. By unpublished opinion. | |
| e. Without opinion. | |
| 3. Average number of days elapsed between oral argument and final disposition. | |
| 4. Procedures for handling disposition of cases. Please describe. | |
| 5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.) | |
| 6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise? | |
| 7. If so, please describe and attach copies. | |

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.

The Texas Court of Criminal Appeals is a court of last resort without an intermediate appellate court.

4. Date completed. December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Washington Supreme Court

A. Description of Court

1. Number of justices. 9
2. Number of law clerks.
 - a. Per justice. 1
 - b. Central staff. 3
3. Jurisdiction.

a. Discretionary Jurisdiction:

Except as set forth in 3b below, review of any case decided by intermediate court is in supreme court discretion. Supreme court can order transfer of case pending in intermediate court. Direct appeal in cases of broad public import.

Reference: Rev. Code of Washington Ann. §2.06.030.

b. Other Jurisdiction:

Appeal by right from intermediate court decision if trial court reversed by less than unanimous decision. Direct appeal in cases involving constitutional questions; validity of statute; death penalty; direct conflict among appellate decisions; or public revenues.

Reference: Rev. Code of Washington Ann. §§ 2.04.010 and 2.06.030.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1978. 337
 - a. Allowed. 63
 - b. Denied. 274

3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

The petition for review is assigned by rotation to a five-judge panel and to one justice on the panel. With the help of his law clerk, the justice prepares a memorandum, which is sent to his eight colleagues. All justices also receive the briefs filed in the intermediate court. The case is then discussed by the five-judge panel in conference. The panel decides the petition if an unanimous vote is achieved. If not, the petition is discussed in an en banc conference and decided by majority vote.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?

7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.

2. Number of cases decided during 1978.

a. By written opinion. 150

b. By per curiam opinion.

c. By memorandum opinion.

d. By unpublished opinion.

e. Without opinion.

3. Average number of days elapsed between oral argument and final disposition. 5.0 months

4. Procedures for handling disposition of cases. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.

2. Names, addresses and phones of other people who may give further assistance.

3. Further comments.

4. Date completed.

December 10, 1980

###

SURVEY OF STATE SUPREME COURTS
WITH INTERMEDIATE COURTS OF APPEAL

Court: Wisconsin Supreme Court (see comment)

A. Description of Court

1. Number of justices. 7
2. Number of law clerks. 1 (CJ 2)
 - a. Per justice. 4
 - b. Central staff.
3. Jurisdiction.

a. Discretionary Jurisdiction:

Supreme Court may grant leave to appeal from decision of intermediate appellate court, or it may grant petition for direct review without intermediate court decision.

Reference: Laws of Wisconsin, Ch. 187.

b. Other Jurisdiction:

May have original jurisdiction in elections, bond questions and issuance of extraordinary writs.

Reference: See Wisconsin Constitution Art. 7, §3; Wisconsin Statutes Annotated §251.10.

B. Disposition of Petitions for Review or Certiorari

1. The number of petitions received during 1979.
2. The number of petitions acted on during 1979.
 - a. Allowed.
 - b. Denied.
3. The average number of days elapsed between filing of petition and action by allowance or denial.

4. Procedures for handling petitions. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of petitions for review either by deadlines or otherwise?

7. If so, please describe and attach copies.

C. Disposition of Cases Heard on Oral Argument

1. Number of cases heard on oral argument in FY 1978-79.

2. Number of cases decided during 1979.

a. By written opinion.

b. By per curiam opinion.

c. By memorandum opinion.

d. By unpublished opinion.

e. Without opinion.

3. Average number of days elapsed between oral argument and final disposition. (1977 figures, before creation of intermediate court.)

1.13 months

4. Procedures for handling disposition of cases. Please describe.

5. Are such procedures formalized into rules, published or unpublished? (If so, please attach copies.)

6. Are any of such procedures designed to expedite disposition of cases, either by deadlines or otherwise?

7. If so, please describe and attach copies.

D. Additional Information

1. Name, address and phone number of person or persons responding.
2. Names, addresses and phones of other people who may give further assistance.
3. Further comments.
Intermediate court created August 1978.
4. Date completed. December 10, 1980.

#

END