

SUPREME COURT LIVE

IV. UNDERSTANDING AN APPELLATE CASE

When many people think of going to court, they think of a trial courtroom where a single judge presides over the case, lawyers present evidence, witnesses testify, and a jury weighs the evidence and reaches a verdict. On any given day, the vast majority of court proceedings in Alaska are trial proceedings that fit this description. But what if parties to a case disagree with the outcome of the trial? What if they believe their case was handled unfairly, with an unjust result? In our legal system, they can *appeal* the trial court's decision to a higher court, known as an *appellate court*.

Alaska has two appellate courts: the [Alaska Supreme Court](#) and the [Alaska Court of Appeals](#). The Alaska Supreme Court is the court of final authority and consists of a panel of five *justices*. The Alaska Court of Appeals is an intermediate appellate court that hears only criminal appeals and consists of a panel of three *judges*. The [path of an appeal](#) to the appellate courts depends mainly on the level of trial court in which the case commenced.

An appellate court differs from a trial court in several important ways. First, an appellate court does not hold a trial to determine the facts of a case. There is no evidence introduced, no witnesses testify, and there is no jury panel present to weigh the evidence and decide on a verdict. Instead, the appellate court focuses on whether there was an **error of law** in the trial court proceedings. For example, the party appealing the trial court decision may claim that the trial judge allowed evidence that should have been excluded, or that the trial judge made a mistake instructing the jury about the law in the case. Essentially, both claims suggest that the fact-finding in the trial court would have been different if the law had been properly applied. The appellate court may also be asked to rule that a law is unconstitutional.

In an appellate case, lawyers on each side of a case make their arguments to the court in writing by filing documents known as **briefs**. The briefs review the facts and law of the case, using prior court cases and existing laws to support the position they want the appellate court to take. The justices and their law clerks read the briefs and examine the record of the lower court case in detail. After the briefs are filed, either side may request **oral argument**, an opportunity to present their legal arguments in person to the court. Oral argument allows the parties to focus on their most important points and answer any questions members of the court may have. After oral argument, the court meets in conference to deliberate on the case and come to a decision. One justice is assigned to write the **opinion** of the court, setting forth the facts of the case, the court's decision, and the reasons for the court's decision. The written opinions of the court then become binding law for the lower courts of the state. If a justice disagrees with the decision of the majority of the court, he or she may write a **dissenting opinion**.

Appellate court decisions are issued initially as "slip opinions," which are posted on the court's website (<http://courts.alaska.gov/appellate/index.htm#slips>). They are also available online through the Alaska Case Law Service (<http://government.westlaw.com/akcases/>) or in law libraries statewide.