



THE APPELLATE PROCESS

1. After a criminal trial or civil lawsuit is over... is that the end? Not necessarily. An appeal, or a request for a higher court to hear a case, can occur.
2. Appeals courts decide which cases they will hear. Courts make this decision based on the type of case, the evidence, and the arguments from both sides. The two sides in an appeal are called the petitioner and the respondent. The petitioner is the side that disagrees with the previous ruling and the respondent is the side that agrees with the previous ruling.
3. Typically an appeals court will agree to hear a case when new evidence turns up after the trial, the law was used incorrectly in trial, the trial didn't follow procedures or someone's rights were violated. Keep in mind, appeals courts do not hold trials.
4. Instead of a trial, a panel, or small group, of judges hears oral arguments made by two sides. During an oral argument each side presents their case to the judges and the judges can ask questions to the lawyers. There is no cross-examination and usually no witnesses.
5. After oral arguments, the judges make a decision on the case by a majority vote.
6. They will either uphold the decision, reverse the original decision and find in favor of the petitioner, or return the case to a lower court.
7. Finally, the appeals court decision is final unless it is appealed all the way to the U.S. Supreme Court, where they will decide whether they want to hear the case.
8. Let's check in- Summarize the appellate process in your own words.
→ ANSWER TO QUESTION
9. Let's recap what we've learned about the appellate process. This occurs after a trial decision has already been reached, and the petitioner asks the appeals court to consider the case. If it takes the case, it hears only oral arguments and makes a decision based on majority vote, and the decision is final unless it goes to the U.S. Supreme Court.
10. So remember, the appellate process, which includes a stop at the Supreme Court sometimes, is the last stop in our justice system. Appeals courts will only hear a case in very limited circumstances. Got to have a good reason to appeal a case!
11. You can learn more about the court system, including appeals courts, in this module on Civics360. But be sure to watch the videos on the criminal trial process, the civil trial process, and the jury system if you haven't already!

