

HOW CASES COME TO THE SUPREME COURT

The California Supreme Court is an appellate court. Legal matters almost always flow to appellate courts from trial courts. The purpose of this introduction is to explain how matters like the ones you will study progress from trial courts to the California Court of Appeal and then to the California Supreme Court.

Proceedings in the Superior Court

A matter that people take to court is called a case, and the persons and organizations involved in it are called parties. Almost all cases in California start in the superior court. The three primary functions of the superior court are first to rule on any procedural challenges to the proceedings, then to decide what facts are true, and finally to determine what the legal consequences of the facts should be.

The judge in the superior court must decide legal issues raised by the parties through motions, objections, and similar procedures. The judge also decides what evidence can be considered. In a jury trial, the judge instructs the jury on the law that applies to the case. The judge's decisions are called orders or rulings and the final outcome is called a judgment.

There are three general classes of cases in California: criminal, civil, and juvenile.

In a criminal case, a public prosecutor accuses a person of committing a crime. The accused person is called the defendant, and the prosecutor represents "The People." If the defendant pleads guilty or a judge or jury convicts the defendant of the crime after a trial, the judge imposes a punishment, which is called a sentence. A defendant who does not like the outcome can appeal, but the People usually cannot appeal.

A civil case is a dispute among two or more people, usually about an injury or a business problem. The party who files the case is the plaintiff, and the party being sued is the defendant. If the parties disagree about facts that are important under the law, they are entitled to a trial by a judge or a jury with live witnesses and other evidence. Sometimes when the facts are not in dispute, the judge makes a final decision based only on papers filed by the parties and the law that applies. A party who does not like a judgment can appeal, and some kinds of orders can be appealed.

Public authorities start juvenile cases when children are not properly cared for by their parents or guardians (dependency) or when children break the criminal law (delinquency). There are no juries in juvenile cases; the judge makes all the decisions. Many kinds of orders in juvenile cases can be appealed.

Proceedings in the Court of Appeal

Most appeals in California go first to the Court of Appeal. There are six geographic districts of the Court of Appeal, and three of them are organized into divisions.

Some appeals go to other courts. The Supreme Court receives the direct appeal of all criminal cases in which the defendant is sentenced to death. Appeals from prosecutions for relatively minor crimes (misdemeanors) and from civil cases in which the plaintiff asked for less than \$25,000 go to a special appeals department of the superior court.

An appellant is a party who wants the Court of Appeal to change an order or judgment. A respondent is a party who opposes that change.

An appeal is not a retrial. The Court of Appeal reviews what happened in the superior court to determine if there was an error. "Error" usually means a mistake in understanding or applying the law. The Court of Appeal does not reconsider what facts are true, but it can decide that there was not enough evidence to support a conclusion of the judge or the jury.

The Court of Appeal bases its review on the official record from the superior court. The record normally includes a transcript of everything that was said during court proceedings, copies of all the papers that the parties provided to the judge, and copies of all the orders made by the judge. The Court of Appeal does not hear witnesses or consider new evidence.

The parties explain their positions to the Court of Appeal by filing briefs. The appellant's opening brief must summarize the facts of the case, state what errors the appellant thinks the superior court made, state what the appellant wants the court to do about the errors, and summarize the applicable law. The respondent's brief usually provides its own perspective on the facts and argues law to refute the appellant's claims of error. The appellant has the option to file a reply brief limited to refuting arguments made in the respondent's brief.

After the parties file briefs, the Court of Appeal assigns three of its judges (called justices) to decide the case. With the help of staff attorneys, the justices study the case and give the parties' lawyers an opportunity to come to court to argue the case. At argument, the lawyers discuss the most important reasons they think their clients should win, and the justices ask lawyers questions about points important to the decision.

After argument, the justices reach a decision about the case. When the appeal was filed in the time allowed to do so and the law makes the judgment or order appealable, the Court of Appeal cannot avoid deciding the issues the parties present. If the justices

decide there was an error, they must consider whether the error caused any harm. When lawyers or judges mention “prejudicial error” or “harmless error,” they are discussing whether a mistake was serious enough to affect the outcome of a case.

If the Court of Appeal finds there was an error that affected the outcome, it must take some action. For example, it can change the result of a case completely or partly, or it can order the superior court to conduct a new trial. “Reversed” or “reversed in part” means the court found there was harmful error and ordered some change in the outcome. “Affirmed” means the court found there was no harmful error and ordered that the outcome in the superior court would stand.

The California Constitution requires the justices to explain the reasons for their decision in writing. The written decision is often called an opinion. If the justices disagree, the majority rules. Their decision is called the majority opinion. A justice who disagrees will write what is called a dissent or dissenting opinion. Most of the decisions of the Court of Appeal are written only for the parties to the case.

About 12 percent of the Court of Appeal’s opinions are published in books called the California Appellate Reports. Those decisions are called precedents. The superior court must apply the law decided in precedents just as it must apply statutes adopted by the Legislature. This is called following precedent. Appellate courts use precedents in deciding later cases that have facts and issues similar to those in the precedents. Unlike superior courts, appellate courts are not required to follow their own precedent, but they usually do.

Proceedings in the California Supreme Court

A party who does not like the outcome in the Court of Appeal can seek further review by the California Supreme Court. This is done by a petition for review, which is a document that resembles a brief.

The main job of the California Supreme Court is to promote justice by overseeing the development and consistency of the law. It is not a court of last resort to make sure every case was handled correctly. Therefore, it has no obligation to review every decision of the Court of Appeal. In fact, it receives thousands of petitions for review every year and it grants fewer than 5 percent of them.

The California Supreme Court reviews cases for several reasons. First, if the Court of Appeal has published conflicting precedents, the California Supreme Court may grant review to end the disagreement and uncertainty. Second, some legal issues are so important that they require definitive answers from the highest court in the state.

After review is granted, the process of briefing and arguing a case in the California Supreme Court is similar to briefing and argument in the Court of Appeal. The most

important difference is that all seven Justices of the California Supreme Court participate in deciding every case.

All decisions of the Supreme Court are published in the California Reports as precedent. The superior court and the Court of Appeal must follow precedent written by the Supreme Court.

The Writ of Habeas Corpus

A defendant in a criminal case may want to argue he or she was deprived of an important right in way that cannot be fully understood from the normal appellate record. To raise such an argument, the defendant must file what is called a petition for a writ of habeas corpus. “Habeas corpus” is part of a Latin phrase that refers to an order from a judge to an officer of another branch of government who is holding a person in custody. The writ literally demands that the officer produce the person physically in court and explain why the person is being detained. The writ of habeas corpus is sometimes called the Great Writ because it has been used for centuries in English-speaking countries to challenge arbitrary and political detentions.

The defendant may petition for habeas corpus in any court. In death penalty cases, however, the defendant petitions directly to the California Supreme Court. Sometimes the court considers the habeas corpus petition when it decides the appeal. The court may decide the appeal first and consider the petition separately.

Because one purpose of a habeas corpus proceedings is to determine facts that are not in the record of the trial, the Supreme Court has an unusual fact-finding role when a petition raises a serious issue. The Supreme Court does not hold trials with all seven justices present. Instead, it appoints a referee to listen to witnesses and receive tangible evidence like documents and photographs. Often the referee is a retired judge. The referee makes a report about the facts to the Supreme Court. Because the referee has seen and heard the witnesses personally, the Supreme Court usually accepts the facts as the referee reports them, but it need not do so.

What Happens Next?

Usually the appellate process ends with the California Supreme Court’s decision. That is true both when the court denies review and when it grants review and writes an opinion after briefing and argument. Sometimes important issues in a case are based on federal statutes or the United States Constitution. If so, a party disappointed by the California Supreme Court’s decision can petition the United States Supreme Court to review the case. The United States Supreme Court has no obligation to review any case and grants fewer than 5 percent of petitions.