

The Iowa Court of Appeals

THE HONORABLE JUSTICE DAVID MAY
AND JUDGE SHARON SOORHOLTZ
GREER



Mission of the Court

“The principal role of the court of appeals is to dispose justly of a high volume of cases.”

Iowa Ct. R. 21.11

Five-Year Trends

- Generally handle between 1100–1300 cases a year
 - In its first year, the court heard 330 cases
- Typically affirm about 80%, reverse about 8%, some other or combined disposition about 12%
- Between 400–500 applications for further review, generally 40 are granted
- Publishing has increased over the past few years
 - 2019: 5 cases published
 - 2021: 21 cases published

Timeline

Time from notice of appeal to filing (approximately)

- Priority 4 months
- Criminal 13 months
- Civil 12 months

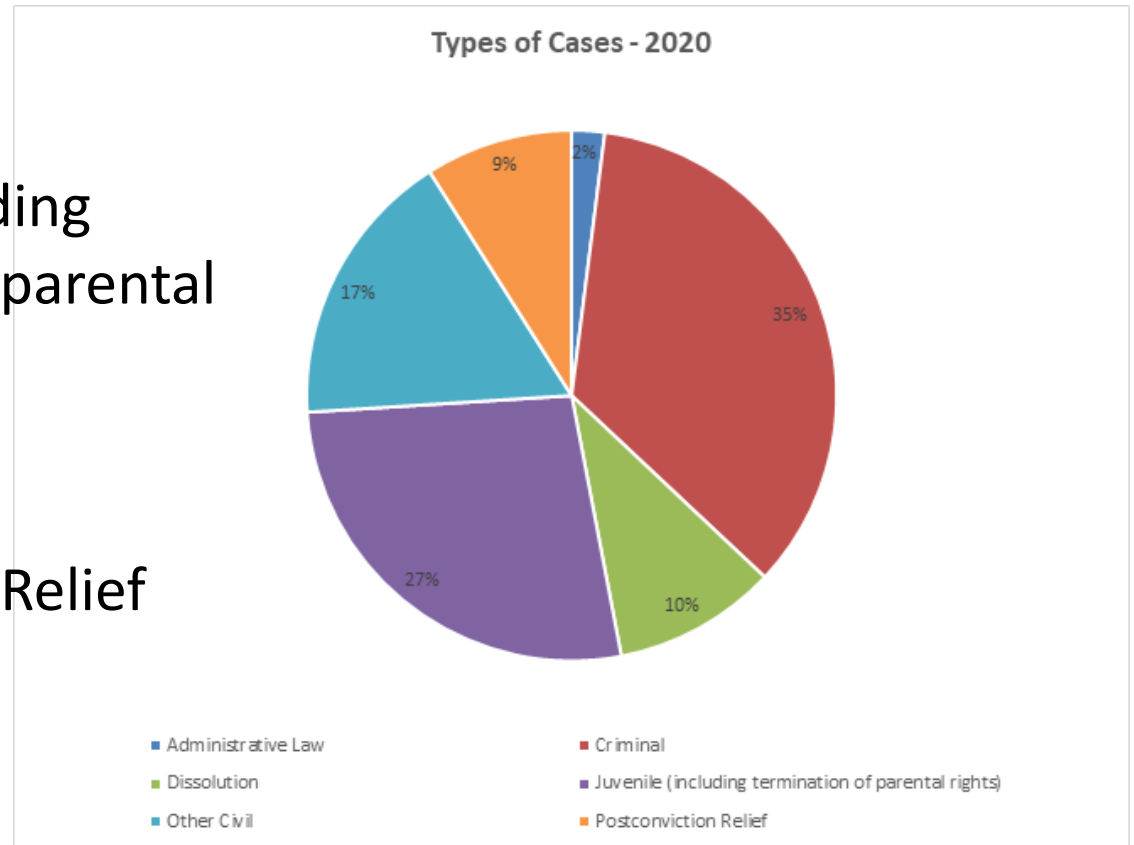
Time from transfer to filing (approximately)

- Priority 1 month
- Criminal 2.5 months
- Civil 4.5 months

Opinions are filed around twice a month

Types of Cases (2020)

- 35% Criminal
- 27% Juvenile (including termination of parental rights)
- 17% General Civil
- 10% Dissolution
- 9% Postconviction Relief
- 2% Administrative



Brief Writing

- Most cases are decided on briefs alone. Watch out for these common pitfalls:
 - Each fact should have a citation to the record or appendix
 - Each legal premise should have a citation to legal authority
 - “Failure to cite authority in support of an issue may be deemed waiver of that issue.” Iowa R. App. P. 6.903(2)(g)(3).
 - Be succinct, but do not assume you have raised an issue—a glancing mention without authority or explanation is not enough to raise the issue for our review. *See EnviroGas, L.B. v. Cedar Rapids/Linn Cnty. Solid Waste Agency*, 641 N.W.2d 776, 385 (Iowa 2002).

Brief Writing (continued)

- Error is preserved when an issue has been both raised and ruled upon by the district court, **not simply by filing a notice of appeal.** *Meier v. Senecaut*, 641 N.W.2d 532, 537 (Iowa 2002).
- Do not cite to items not in the district court record—even if you have placed them in your appendix. See Iowa R. App. P. 6.801 (defining the record); *In re Marriage of Keith*, 513 N.W.2d 769, 771 (Iowa Ct. App. 1994) (disregarding matters outside the appellate record).

Oral Arguments

- Oral arguments are heard nine times a year
- About 15% of cases receive oral argument
 - The Chief Judge screens the cases to determine what will be heard orally or non-orally
 - Direct appeals of felony convictions, complex civil cases, and cases with issues of first impression are usually assigned for oral argument
- All oral arguments (both in person and virtual) are streamed on the court's YouTube channel
- Virtual arguments became available with the pandemic but there may be reasons, such as weather to extend the use into the future. Feedback from attorneys would be welcome.

Oral Arguments (continued)

- If you are splitting time with co-counsel or another party, it is up to you to manage your time—the timer will not stop as you switch out
- Ten minutes go by quick. Limit your recitation of the facts to the central points.
- Oral argument is a conversation with the court. Anticipate questions and answer them directly, even if that means saying “I don’t know.”
- Avoid becoming overly emotional or raising your voice to the court
- Do answer the judge’s question – there is a reason for it.

Virtual Oral Arguments

- Before a virtual oral argument, a member of the court staff will contact you to set up a test meeting
 - Here, you make sure equipment is working, background is correct, and get a feel for the virtual layout (including the timer)
 - You should do your test session using the same device and in the same location as your oral argument
 - You will also get details about what to do if there are technical difficulties during the argument

Virtual Oral Arguments (continued)

- On the day of the argument, join the Zoom meeting 15 minutes early to check in and ensure everything is working
- Avoid bright lights or windows in the background
- Speak slowly and try to avoid speaking over others
- Watch the timer just as you would in person
- Mute yourself when the other party is arguing
- Don't log off until the bailiff adjourns the argument