

Notice of Appeal

Generally, a party must file a notice of appeal within 30 days of the filing of the challenged judgment or order. The notice is filed with the clerk of court in the county where the district court order was entered. The party filing the notice of appeal is generally called the appellant; the opposing party is called the appellee. The appellee may file a notice of cross-appeal if also dissatisfied with the final judgment.

Preparation of the Appeal

Following the filing of the notice of appeal, the parties must follow with a number of steps to prepare the case for submission to the court.

The time required for the preparation of a typical case is about five or six months. Court rules allow for an expedited process for certain types of cases, such as child in need of assistance and termination of parental rights.

Order Transcripts—In a typical case, the appellant (the party appealing) orders the transcript of the lower court proceeding. The transcript is a written verbatim account of the trial court proceeding.

Appellate Briefs and Appendix—The parties are required to file briefs. A brief is a written document setting forth the facts, a party's legal arguments, and the relief sought from the appellate court. The filing deadlines for briefs vary depending upon the type of case. In their briefs, the parties may request to make an oral argument before the court.

The parties must also file an appendix. The appendix is a record of the trial court proceedings containing those parts of the transcript, trial court papers, and exhibits most relevant to the issues raised on appeal. The appellant generally prepares and files the appendix.

Case Screening

Once a case file is ready, the supreme court decides whether to keep the case or transfer it to the court of appeals. As a general proposition, cases which involve questions of the application of existing legal principles are transferred to the court of appeals. The supreme court may decide to retain a case if it raises substantial constitutional questions or if it involves a substantial conflict with published Iowa opinion, a fundamental and urgent issue of broad public importance, or lawyer discipline, among other reasons.

Oral Argument

In some cases, parties are granted an opportunity to address the court, a process known as oral argument. During oral arguments, lawyers have a brief period of time to summarize their legal arguments before the court and to answer questions asked by justices or judges. Both courts have complete discretion whether to grant oral argument.

The Opinion

After a case is submitted to the court or after oral arguments, the justices or judges will discuss in private conference the legal issues presented in the case. Later, the justice or judge who has been given the assignment of writing the court's opinion (written ruling) will prepare a draft. The opinion writer circulates copies of the draft opinion to the other members of the court who may comment on the draft. A justice or judge who disagrees with the opinion may write a dissent, a writing that explains why the judge disagrees with the opinion. A justice or judge who agrees with the result, but not necessarily for the same reasons, may write what is called a special concurrence.