

CHART 12.7

STATE APPELLATE COURT DIVISIONS

(Cross-reference ALWD Rule 12.6(b)(2))

State/Territory	Divided or Unified	Divisions	Decisions of One Binding on Other Intermediate Courts?
Alabama	Divided	<ul style="list-style-type: none"> • Court of Civil Appeals • Court of Criminal Appeals 	No. <i>State v. DeMent</i> , 424 So. 2d 657 (Ala. Crim. App. 1981), <i>rev'd in part on other grounds</i> , 424 So. 2d 659 (Ala. 1982).
Alaska	Unified	Not applicable	Not applicable
Arizona	Divided*	Court of Appeals, First and Second Divisions	<p>Yes, unless a prior decision was clearly erroneous or the conditions have changed so much that the prior decision is inapplicable. <i>Pena v. Indus. Comm. of Ariz.</i>, 683 P.2d 309 (Ariz. App. 1st Div. 1994).</p> <p><i>*Note:</i> Although the court is divided, judges may sit on either division and the conditions for overturning law are analogous to a unified court.</p>
Arkansas	Unified*	Before 2003: Court of Appeals, Divisions I, II, III, and IV.	<p>Ark. Code Ann. § 16-12-109 was repealed in 2003.</p> <p><i>*Note that pertains to cases before 2003:</i> Judges sat on panels, known as “divisions.” The effect of publishing a decision was to make the appellate court one unified court.</p>
California	Divided	Court of Appeal, First through Sixth Districts	No. When appellate districts disagree, a lower court may choose the most persuasive decision. <i>Sears v. Morrison</i> , 90 Cal. Rptr. 2d 528 (App. 3d Dist. 1999).

CHART 12.7 (CONTINUED)

State/Territory	Divided or Unified	Divisions	Decisions of One Binding on Other Intermediate Courts?
Colorado	Unified	Not applicable	Not applicable
Connecticut	Unified	Not applicable	Not applicable
Delaware	None	Not applicable	Not applicable
D.C.	None	Not applicable	Not applicable
Florida	Divided	District Court of Appeal, First through Fifth Districts	District courts of appeal do not bind each other; however, the trial court sitting within a district court of appeal that has not ruled on the issue at hand is bound by the decisions of other district courts of appeal. <i>Pardo v. State</i> , 596 So. 2d 665 (Fla. 1992).
Georgia	Unified	Not applicable	Not applicable. <i>Frazier v. S. Ry.</i> , 37 S.E.2d 774 (Ga. 1946) (“[d]ecisions by the Court of Appeals establish a precedent for that court”).
Guam	None	Not applicable	Not applicable
Hawaii	Unified	Not applicable	Not applicable
Idaho	Unified	Not applicable	Not applicable
Illinois	Divided	Appellate Court, First through Fifth Districts	No. Generally, an appellate district’s decision is binding on a lower court, but when conflicts exist among the appellate districts, the lower court is bound by the decision in its own district. <i>St. Farm Fire & Cas. Co. v. Yapejian</i> , 605 N.E.2d 539 (Ill. 1992).
Indiana	Divided	Court of Appeals, First through Fifth Districts	Yes. <i>Diesel Constr. Co. v. Cotten</i> , 634 N.E.2d 1351 (Ind. App. 1st Dist. 1994).
Iowa	Unified	Not applicable	Not applicable
Kansas	Unified	Not applicable	Not applicable

CHART 12.7 (CONTINUED)

State/Territory	Divided or Unified	Divisions	Decisions of One Binding on Other Intermediate Courts?
Kentucky	Unified	Not applicable	Not applicable
Louisiana	Divided	Court of Appeal, First through Fifth Circuits	No. <i>Orillon v. Allstate Ins. Co.</i> , 690 So. 2d 846 (La. App. 1st Cir. 1997).
Maine	None	Not applicable	Not applicable
Maryland	Unified	Not applicable	Not applicable
Massachusetts	Unified	Not applicable	Not applicable
Michigan	Unified	Not applicable	Yes. Michigan Court Rule 7.215(J)(1) provides that the Michigan Court of Appeals must follow its own decisions that were decided and published after November 1, 1990.
Minnesota	Unified	Not applicable	Not applicable
Mississippi	Unified	Not applicable	Not applicable
Missouri	Divided	Court of Appeals, Eastern, Southern, and Western Districts	No. <i>Forsthove v. Hardware Dealers Mut. Fire Ins. Co.</i> , 416 S.W.2d 208 (Mo. App. 1967). <i>Note:</i> The cited case was decided before the court was divided.
Montana	None	Not applicable	Not applicable
Nebraska	Unified	Not applicable	Not applicable
Nevada	None	Not applicable	Not applicable
New Hampshire	None	Not applicable	Not applicable
New Jersey	Unified	Not applicable	Not applicable
New Mexico	Unified	Not applicable	Not applicable

CHART 12.7 (CONTINUED)

State/Territory	Divided or Unified	Divisions	Decisions of One Binding on Other Intermediate Courts?
New York	Divided	<ul style="list-style-type: none"> • Supreme Court, Appellate Division, First through Fourth Departments • Appellate Terms of Supreme Court, First Judicial Department (1st and 12th Judicial Districts), Second Judicial Department (2d and 11th Judicial Districts), and Second Judicial Department (9th and 10th Judicial Districts) 	No. A lower court must follow decisions of the appellate division in its department. If the appellate division in its department has not ruled on an issue, it is bound by a decision of a department that has ruled on the issue. However, if its department has not ruled on an issue and other departments' decisions conflict, the lower court may render an appropriate decision. <i>Seymour v. Holcomb</i> , 790 N.Y.S.2d 858 (Sup. Ct. Tompkins Co. 2005); <i>Reyes v. Sanchez-Pena</i> , 742 N.Y.S.2d 513 (Sup. Ct. Bronx Co. 2002).
North Carolina	Unified	Not applicable	Yes. <i>Cole v. Triangle Brick</i> , 524 S.E.2d 79 (N.C. App. 2000) (subsequent appellate panel must follow previous decision on same issue, unless the North Carolina Supreme Court has overturned the precedent).
North Dakota	None	Not applicable	Not applicable. There is a temporary appellate court that hears cases assigned by the North Dakota Supreme Court.
Ohio	Divided	Court of Appeals, First through Twelfth Districts	No. Ohio Sup. Ct. R. Reporting Op. 2(G)(2); <i>State v. Kasnett</i> , 283 N.E.2d 636 (Ohio App. 4th Dist. 1972).
Oklahoma	Unified*	Not applicable	Not applicable * <i>Note:</i> Oklahoma has two courts of last resort, the Supreme Court and the Court of Criminal Appeals.

CHART 12.7 (CONTINUED)

State/Territory	Divided or Unified	Divisions	Decisions of One Binding on Other Intermediate Courts?
Oregon	Unified	Not applicable	Not applicable
Pennsylvania	Divided	<ul style="list-style-type: none"> • Commonwealth Court • Superior Court 	No. The Superior Court and the Commonwealth Court do not bind each other, but both bind the Courts of Common Pleas. <i>Commw. v. Wilson</i> , 744 A.2d 290 (Pa. Super. 1999).
Puerto Rico	Divided*	Circuit Court of Appeals	No. As a general rule, only the decisions of the Puerto Rico Supreme Court have mandatory precedential value, if published. * <i>Note:</i> Judges are not assigned to a particular geographical circuit; they rotate periodically.
Rhode Island	None	Not applicable	Not applicable
South Carolina	Unified	Not applicable	Not applicable
South Dakota	None	Not applicable	Not applicable
Tennessee	Divided	<ul style="list-style-type: none"> • Court of Appeals • Court of Criminal Appeals 	Yes, for the Court of Criminal Appeals. <i>Brown v. State</i> , 466 S.W.2d 527 (Tenn. Crim. App. 1971).
Texas	Divided*	Court of Appeals, First through Fourteenth Districts (Texas courts provide the name of the city in which the court sits; they provide the city and district for the two appeals courts in Houston.)	No. <i>Delamora v. State</i> , 128 S.W.3d 344 (Tex. App. Austin 2004). * <i>Note:</i> Texas also has two courts of last resort, the Supreme Court and the Court of Criminal Appeals.

CHART 12.7 (CONTINUED)

State/Territory	Divided or Unified	Divisions	Decisions of One Binding on Other Intermediate Courts?
Utah	Unified	Not applicable	Yes. <i>State v. Ingleby</i> , 104 P.3d 657 (Utah App. 2004) (“once a point of law has been cited, that ruling should be followed by a court of the same . . . rank in subsequent cases confronting the same legal issue”).
Vermont	None	Not applicable	Not applicable
Virginia	Unified	Not applicable	Not applicable
Washington	Divided*	Court of Appeals, Divisions 1, 2, and 3	No. <i>State v. Schmidt</i> , 102 P.3d 856 (Wash. App. Div. 2 2004); <i>see also Intl. Assn. of Fire Fighters, Local 46 v. City of Everett</i> , 42 P.3d 1265 (Wash. 2002) (holding that “[t]he Court of Appeals can overrule a previous decision if it is ‘demonstrably incorrect or harmful’”). * <i>Note:</i> The Court of Appeals can overturn its own decisions, so it appears that each division speaks for the entire court.
West Virginia	None	Not applicable	Not applicable
Wisconsin	Divided	Court of Appeals, Districts I, II, III, and IV	Yes. <i>State v. Seeley</i> , 567 N.W.2d 897 (Wis. App. 1997). <i>Note:</i> The district for the cited case was not provided in the reporter.
Wyoming	None	Not applicable	Not applicable