

Thursday, September 9, 2021 (classes 4 of 30!!)

Today: *Session I—1101:*

- Legal news responses (optional extra credit opportunity!)
- Career opportunities: where paralegals work!

Session II—1103:

- *Finish Jurisdictional Bases!*
- *Then Parties & Their Claims!*

For Tu. Sept. 14:

- Reply to someone's "Who I Am" post on OL!
- We will NOT meet for class! *Just us.* ☺
 - 1103: Take Quiz #1 on Blackboard! *Between 10am-5pm.*
 - 1101: Individual meetings this week!

Wed. Sept. 15-Th. Sept. 16: ***NO CLASSES!!*** *for the whole college!* Observance of Yom Kippur.

For Tu. Sept. 21 (our next meeting)—*both subjects:* Read C&W ch. 2 (on BB) & "NYS Courts: Introductory Guide" (on OL).

Th. Sept. 23: Walking tour of Brooklyn courts! ☺ *Weather permitting.*

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1101: Paralegal career opportunities!! *?? Where do paralegals work?*

Where paralegals work includes:

- private law firms (large, small, "solo")
- legal aid organizations (e.g., Legal Aid Society)
- advocacy organizations (e.g., ACLU, NAACP)
- government (e.g., District Attorney's office)
- corporations ("in-house")
- freelance ("contract," "temp")

1103: Jurisdictional bases *continued!!*

Jurisdiction ("jurx") = court's authority (or power, or right) to decide a particular type of case.

- Depends on various factors, including geography, subject of the case, identities of the parties, etc.
- Court only has jurisdiction if a constitution or statute says so!
- Jurisdiction is **CRITICAL!!** If a court decides a case, then it turns out the court lacked jurisdiction over that case, decision is *VOID*.

Limited jurisdiction = authority to decide only certain types of cases.

- Most courts in US have only limited jurx.
- Nearly ALL courts in NYS have limited jurx—*except* NY Supreme Court!!

?? What are some of the limitations? *These are the types of jurisdiction.* ☺

Geographic jurisdiction = court's power to decide cases involving people or events in a geographic area.

Original jurisdiction = authority to be the first court to decide a legal question (case originates there).

➤ *Trial courts* have original jurisdiction.

Appellate jurisdiction = authority to decide an appeal of a lower court's decision.

➤ *Review* the lower court's decision: right or wrong?

➤ *Appellate courts* have this jurisdiction!

Subject matter jurisdiction (SMJ) = court's power to decide cases regarding particular subjects

➤ *Such as* criminal, divorce, bankruptcy

Exclusive jurisdiction = only one court has authority to decide a particular type of case.

➤ *NY Court of Claims* has exclusive jurisdiction over \$ damages claims against NYS.

➤ *US Bankruptcy Courts* have exclusive jurisdiction over bankruptcy cases.

Concurrent jurisdiction = more than one court has authority to decide a particular type of case.

➤ *NY Family Court AND NY Surrogate's Court* have concurrent jurx over adoptions.

Personal Jurisdiction = court's authority to require a person to comply with its decision

➤ "*in personam*" jurx (we love Latin! ☺)

➤ "*person*" = human, business, other entity

BUT... General jurisdiction = court has authority to decide any type of case unless a statute says it cannot.

➤ The only court in NYS with general jurx is NY Supreme Court.

➤ NO federal court has general jurx → *not even US Supreme Court!!*

1103: Parties and Their Claims!

In a civil action → ?? Who's there, and what do they want?!

Party = person/entity directly involved in a dispute/case; directly affected by the outcome.

➤ Either initiated the case (P) **OR** case was initiated against her/him/it (D)

➤ P must have standing to sue → was injured (suffered loss) as a result of D's conduct

Parties may be called:

➤ Plaintiff / Claimant / Petitioner / Appellant

➤ Defendant / Respondent / Appellee

...OR other titles, depending on type of proceeding and role of party.

Claim = alleged wrong; P's legal reason to sue D

➤ a.k.a. "cause of action," "claim for relief"

➤ stated in P's complaint (document filed in court to commence case)

➤ legal basis for P to recover (to "win," obtain relief/remedy, *such as* damages)

It's a legal term!! Means . . .

➤ law shows that you are entitled to relief—**NOT just that you said so!**

➤ "failure to state a CLAIM" = ground for court to dismiss your case!