

Tuesday, September 21, 2021 (classes 6 of 30!!)

Today: Session I:

- 1101: "Law in Culture" Review assignment!
- 1101/1103: Structure of the Courts: the basics!

Session II:

- 1101/1103: Structure of the Courts: the NYS Court System!

For Th. Sept. 23—Walking tour of Brooklyn courts! *Weather permitting!* Meet at building entrance, wear comfortable shoes! ☺

ALSO:

- *For 1101:* Complete quiz #1 on Blackboard! 10am Wed. till midnight Thurs.
- *For both subjects:* Read:
 - C&W ch. 2 (NOW on BB! *Sorry.* ☹)
 - "NYS Courts: Introductory Guide" (on OL)
 - M&M ch. 6 pp. 145-157 (REALLY on BB!)
 - "About Federal Courts: Court Role & Structure" from US Courts website (on OL).

Th. Sept. 30: Walking tour of Manhattan courts! ☺

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?? True or false?? Individuals in the U.S. are expected to obey laws created by only one government: the government of the United States of America (the federal government).

FALSE!! Individuals in the U.S. are expected to obey laws created by (1) the federal government, AND (2) state governments, as well as local governments (cities etc.). This is called **FEDERALISM!!**

Basic American court structure (fed & states) = 3 tiers:

Trial courts (lowest)

- where cases begin
- have original jurisdiction (courts of "original instance," courts of "first instance")
- hold trials of fact (witnesses, testimony, etc.)

Intermediate appellate courts (middle)

- where parties appeal decisions
- have appellate jurisdiction
- no trials → just legal argument (just lawyers! *ugh.*)

Highest appellate courts (top)

- "courts of last resort"
- have appellate jurisdiction
- no trials → just legal argument

New York State UNIFIED COURT SYSTEM!

Trial courts (divided into counties)

Statewide:

NYS Supreme Court (main trial court, 1 per county)

- has general jurx (only court in NY with it—fed *or* NYS)
 - authority to decide any type of case (criminal, civil, family, probate, etc.) *unless* a statute says it cannot.
- primarily handles:
 - civil cases involving > \$25,000
 - criminal felonies
 - divorce/marital cases

NYS Family Court (1 per county) ("*matters involving children*" 😊)

- adoption; foster care
- juvenile delinquency
- family violence; child abuse
- child support, custody & visitation

NYS Surrogate's Court (1 per county) ("*beginning & end of life*" 😊)

- probate (wills & estates)
- adoptions

NYS Court of Claims

- by statute, has exclusive jurx over \$ damages claims against NYS & related entities (*including CUNY!*)
- *so . . .* NYS Supreme Court (nor any other court) cannot decide those cases!

Local trial courts in NYC (5 boroughs):

NYC Civil Court

- civil cases up to \$25,000 in damages
- *includes* Small Claims Court (up to \$10,000 damages)
- *includes* Housing Court (landlord-tenant)

NYC Criminal Court

- misdemeanors & lesser offenses
- felony arraignments & preliminary hearings

Local trial courts outside NYC (LI & upstate):

County Courts

- civil cases up to \$25,000
- all criminal trials (felony, misdemean, etc.)
- appeals from City/Town/Village Cts in 3d & 4th Dep'ts only

District Courts (*not* the same as federal district courts!!)

- Nassau & Suffolk Counties (LI)
- civil cases up to \$15,000
- criminal misdemean & lesser offense trials; felony arraignments

City Courts

- civil cases up to \$15,000; *also* Small Claims & Housing
- criminal misdemean & lesser offense trials; felony arraignments

Town & Village Courts

- civil cases up to \$3,000; *also* Small Claims & Housing
- criminal misdemeanors & lesser offenses; felony arraignments

Intermediate appellate courts (divided into 4 departments)

Supreme Court, Appellate Division (all 4 Dep'ts)

- appeals from (a) all statewide trial courts, (b) all Appellate Terms & (c) all County Courts

Supreme Court, Appellate Term (1st & 2d Dep'ts *only*)

- appeals from NYC Civil & Criminal Courts
- appeals from District & City/Town/Village Courts in 2d Dep't

Highest appellate court (there's only one!)

NYS Court of Appeals (in Albany, the NYS capital)

- appeals from all intermediate appellate courts
- appeals directly from trial cts on NY constitutional issues
- decides certified questions from fed/other states' courts
- 7 judges; Chief Judge Janet DiFiore

Phew!! That was a lot. **Now . . . *let's go see them!!***