

**Tuesday, September 28, 2021** (classes 8 of 30!!)

**Today:**

*1101*: Law office assignment!

*Both subjects:*

- *Discuss* walking tours of courts!
- *Review* NYS Court System!
- *Discuss* US (Federal) Court System!

**Th. Sept. 30:**

- Walking tour of Manhattan courts! *Meet in Manhattan 10:15am—details on OL!*
- *For 1101*: Post "Law in Culture review" source on OL by end of day! *See OL for assignment & sample post!*

**For Tues. Oct. 5:**

- *For 1101*: Read M&M ch. 2 pp. 38-43 (on resumes & cover letters)!
- Find a law office online and post about it on OL!
- *For 1103*: Bring CPLR!! *and* read C&W ch. 5 (causes of action & remedies)!

**For Th. Oct. 7:** *For 1101*: First draft resumes due by email 8am!

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**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*)

- "helps" Appellate Division, lightens its caseload *by deciding*:
  - 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 Appellate Division courts
- appeals directly from trial cts on NY constitutional issues
- decides certified questions from fed/other states' courts
- 7 judges; Chief Judge Janet DiFiore

## U.S. (Federal) COURT SYSTEM!!

Federal courts' jurisdiction → 2 main types:

### (1) federal question jurisdiction

- Cases involving federal law.
  - *such as* violation of federal Civil Rights Act *or* U.S. Constitutional rights (speech, religion, etc.)
- If so, then the federal court can also decide related state law claims under supplemental jurx.
  - *such as* violation of NY's own Human Rights Law *or* similar rights under NYS Constitution

### (2) diversity jurisdiction – two requirements:

- Dispute must be between citizens of different states
  - *such as* Coughlin (NY) v. Trump (FL) **AND . . .**
- amount in controversy must be at least \$75,000!

### Trial courts (divided into 94 judicial districts)

- main trial courts = "**U.S. District Courts**" (94—1 in each district)
  - *plus* specialized courts:
    - Bankruptcy (1 in each district)
    - International Trade (in NY), Tax & Federal Claims (only in DC)
- NY includes four judicial districts:

- Eastern District of NY (**EDNY**) = Bklyn, Qns, SI, Long Isl.
  - Southern District of NY (**SDNY**) = Manh, Bx, Westchester
  - Northern District of NY (**NDNY**) = Albany, *etc.*
  - Western District of NY (**WDNY**) = Buffalo, *etc.*
- original jurx over civil & criminal cases *as long as there is federal Q or diversity jurx*
  - one judge presides over each case

**Intermediate appellate courts** (divided into 13 circuits: First through Eleventh, plus Federal and D.C. Circuits)

- "U.S. Circuit Courts of Appeals"
- have appellate jurx over federal trial courts
  - decide appeals of decisions by District Courts, Bankruptcy Courts, *etc.*
  - three-judge panel decides each appeal
- NY is in the Second Circuit
  - *a/k/a* "Second Circuit Court of Appeals" *OR* "U.S. Court of Appeals for the Second Circuit"

**Highest appellate court** = U.S. Supreme Court!! *in Washington DC*

- has appellate jurx over:
  - all US Circuit Courts of Appeals
  - highest state courts deciding federal questions
- original jurx over cases between 2+ states and "cases affecting Ambassadors, other public Ministers and Consuls"
- 9 justices; Chief Justice = John Roberts

*Most cases reach the US Supreme Court through a request for a . . .*

**Writ of certiorari** = a party requests US Supreme Court to consider its appeal of a Circuit Court's decision.

- If Supreme Court **grants** the writ, that means it will consider the appeal.
  - That is, it **will decide** whether the Circuit Court's decision was correct.
  - It does NOT mean the requesting party has won!!
  - The Supreme Court still needs to decide the case. *So the requesting party could still lose.*
- If Supreme Court **denies** the writ, that means it **will not consider** the appeal.
  - The Circuit Court's decision stands, as is. *It remains the law!*