

CHAPTER 2 Structure of the Courts

The Fifty-one Governments

The states did not agree to fuse into one single government. Rather, each state determined to retain some of their own autonomy and to give certain powers to the federal government. The result is that they became 50 individual governments with one federal government, all together called the United States. Thus, we have fifty-one sovereign governments. The United States Constitution gives certain powers to the federal government. Any power not given to the federal government is left to the states and to the people (U.S. Constitution Article X).

The federal government has limitations on its authority to tell the states what they can and cannot do. The power of the federal government is held to its constitutional authority. Outside of that, the federal government must use its powers of persuasion or the power of its pocket-book to have the states do what the federal government deems to be desirable.

The federal government and each state's government essentially have the same structure. That is, there are three branches of government. They are the executive, the legislative and the judicial. Each branch of government has its own powers. However, they are not precisely as we may have learned in the lower grades, in that each branch does have some law making authority.

Checks and Balances

The Legislative Branch generally introduces a bill and votes on it, on that bill's way to becoming a law. However, that bill does not become law unless it is signed by the

head of the executive branch—the chief executive—the President or Governor. If the Chief Executive does not approve of the bill, the legislative branch still has a means of causing the bill to become law anyway, if they so choose. Once a statute comes into being, the courts of record have the power to negate the statute in whole or in part if the statute violates the state or federal constitution.

The Executive Branch also has limited authority to make laws called Executive Orders or, through its administrative agencies (most of which are part of the executive branch), administrative law or rules and regulations. These rules may be overturned through the legislative process or by action of the judicial branch. The administrative agencies have a process, similar to the judicial process, by which determinations are made regarding their rules and regulations by an administrative law judge.

The Judicial Branch, consisting primarily of the courts, also has the ability to make law, called case law, judge made law, court made law or any other of the many names used to describe this function. This is through their power to measure the law against the federal or state constitutions and statutes, to be sure the other branches of government do not exceed their constitutional authority, intruding upon the rights of the people. Using their power to interpret the law, the courts can determine how the law affects a particular set of facts. Judicial decisions may often be changed by the legislative process. The processes of checks and balances and how the individual branches of government exercise their powers are more thoroughly covered in your introduction to law course, your legal research course or your government course.

The Structure of the Courts

We will begin our discussion of the structure of the courts by speaking generically. This section is not referring to any specific jurisdiction. However, it is generally the way that courts are structured in most jurisdictions in the United States. Keep in mind that in this section of the chapter, we are not giving the actual names of any courts, only their generic names. The chart following this section depicts the courts generically.

The courts with which we will most often come into contact are the trial courts. This is where the typical civil case will begin. This is where the claimant initially comes to seek relief for a perceived wrong. The claimant is asking that the government intervene to see that they are treated justly. These are the lowest level of courts and some of these trial courts may be referred to as inferior courts. As we will see, some jurisdictions have a number of trial courts, each having its particular function and place in the hierarchy of the judicial system. Although they do not have the sweeping appellate jurisdiction of the appellate courts, they are the most important to those who must turn to the courts for assistance. All of the attorney's energies are directed to victory in the trial court. This is because relatively few cases go beyond this level. We can see that although they may be called "inferior," these courts usually are the most important for persons seeking redress. This is because the trial courts are applying the law to the case at hand and does not have the wider issues that the appellate courts generally have to consider. It is at the trial level where the focus is on the individuals before it. The law of the case is the law of this specific case. Any court of record, federal or state, has the authority to decide any issue involving the state or federal constitution which has not been already determined by a higher court.

When, for some reason, a party has a legal reason to believe they did not receive adequate justice in the trial court, they may seek to take another step beyond the trial courts by appealing their case to an appellate court. Most jurisdictions have an appellate court which “filters” cases before they can be brought to the state’s highest court. These are referred to as intermediate appellate courts. Most cases that are eligible to be appealed end their appeal here. The intermediate appellate courts will generally be looking at the individual to find if their rights have been violated at the trial level to the extent that it could have affected the outcome of the trial. This court also will make decisions on matters of law that have not already been settled by the court of last resort. Intermediate appellate court decisions usually will only have effect withing that court’s jurisdiction. This can result in conflicting decisions from one appellate court’s jurisdiction to another’s within the federal and state court systems. These conflicts may be resolved only by the particular court system’s highest court. And, if it is a federal issue, only by the U.S. Supreme Court.

As of this writing, there are ten states without intermediate appellate courts. This is probably because of those states’ relatively low populations (less than 2,000,000 persons).

Lastly, there is the final appellate court, the court of last resort—the supreme court—of a jurisdiction. For those who are still aggrieved and are in a position to have this court hear their case, this is usually it. This is probably the last place to which they can turn within the judicial system. Notice that the words “supreme court” in the first sentence of this paragraph are written with a lower case “s” and “c.” This is because “supreme court” is not necessarily the name of the court of last resort. A few jurisdictions, like New York, call their supreme courts by a different name. In

fact, as you will see shortly, the court with that name in New York is not even an appellate court. These final appellate courts, while considering the parties in a particular case, also consider the ramifications of their decision in light of the issues and the future. Their decisions serve to resolve conflicts in interpretation of laws by lower appellate courts or trial courts. It alone has the authority to change its mind in regards to decisions it has made in the past.

Does that mean that once the highest court in a state hears a case, there is no further appeal? The answer is NO—and, yes. If the case is in state court and is based entirely on state law, there being no issue arising under federal law, this is it. There are no further appeals. If it is in a state’s supreme court and there is a federal issue, a question arising under federal law, the case may be appealed to the U.S. Supreme Court. Most cases arising under state law will not have an issue appealable to the federal courts. Of those few that do, the U.S. Supreme Court may choose not to hear the case (i.e. *grant certiorari*).

As far as their jurisdiction is concerned, the highest courts in each of the states and the federal courts highest court are on the same level. Just because a court has the words “United States” in front of its name, there is no power conferred to them to tell the state courts what to do, if there is no federal issue.

A Generic Chart of Courts in the United States

highest appellate court

This court's name in most states and the federal court system is "Supreme Court." However, in some states, it has a different name. In New York, the highest court's name is "The Court of Appeals."

intermediate appellate court

Some states have more than one level of intermediate appellate courts. And some states have no intermediate appellate court.

trial courts

There are various names for trial courts in the federal and the various state court systems. Most jurisdictions have several trial courts.

The Federal Courts

The chart that follows this section is an overview of the federal court structure. The courts at the bottom of the chart are where a case may enter the system. They are courts of original jurisdiction. Original jurisdiction is discussed elsewhere, but it refers to where a case originates or begins. The court where the case enters the system is determined by that court's subject matter jurisdiction which is also discussed elsewhere. As can be seen on the chart, there is no court with the name "trial

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court" although all of those at the bottom of the chart are, generically speaking, trial courts.

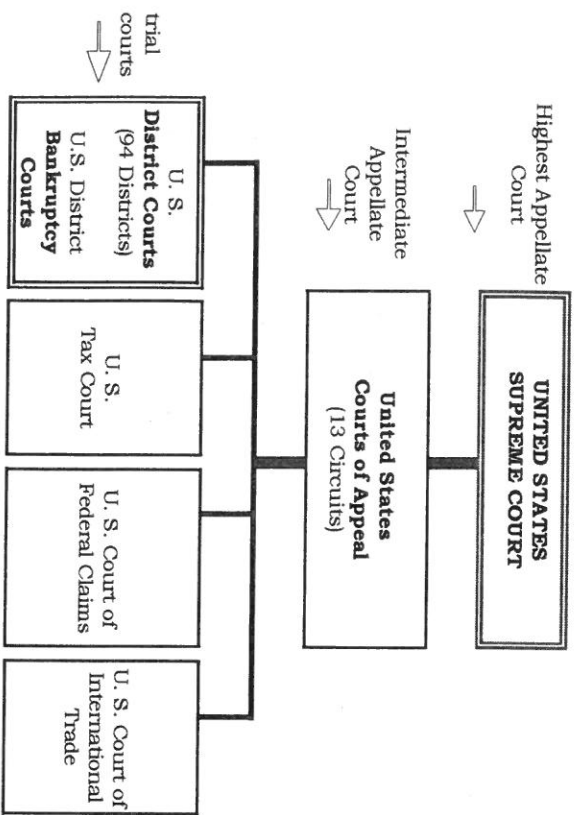
The main trial court in the federal system is the United States District Court. Keep in mind that this is a federal court. The names of the federal courts begin with the words "United States." It does not matter that a federal court is located within a state, once you enter that court's building, you are on federal property. The geographical jurisdiction of the district courts are called "Districts." There are 94 districts in the United States, including those portions of the U.S. which are not states. Each state has at least one district. In New York there are four districts: the Northern, Southern, Eastern and Western. An example of the full name of a court would be "The United States District Court for the Southern District of New York." Even though the words "New York" appear within the name of the court, its name begins with the words "United States," denoting that it is a federal court. The words "Southern District of New York" refers to the geographical jurisdiction (and location) of the court, sort of like its address. It is very important that this be understood since many of the state and federal courts have what may appear to be the same name. For instance, the U.S. District Court is a federal court; Nassau County District Court is the name of a court within New York's court system.

The intermediate appellate court for the federal court system is named the United States Court of Appeals. Its jurisdiction is called a Circuit. There are thirteen circuits. One of these covers the federal circuit. Each of twelve other circuits contains within it a number of Districts. The U.S. Courts of Appeals hear cases appealed from the trial courts within their Circuit.

The highest appellate court, the final arbiter of cases, the court of last resort, the supreme court, in the federal

court system is named the United States Supreme Court. Its authority extends to all matters arising under federal law. It is the final interpreter of the U.S. Constitution. It has no authority to make decisions arising solely under state law.

United States Court System*



*Some specialized federal courts and The Military Courts have been omitted.

The New York State Courts

Collectively, New York's courts' structure is based on the New York State Constitution and several New York statutes—the Unified Judicial Court Act (UJCA), the New York City Civil and Criminal Court Acts (NYCCCA), the Unified City Court Act (UCCA) and the Unified District Court Act (UDCA).

The courts of New York State, in their organization, are referred to as the Unified Court System. This means that, despite its complexity, it is meant to work as a single entity, operating in the most efficient way possible. Its structure, depicted in the chart following this section, is quite complex. One key to understanding its structure is to keep in mind that, like our generic chart and the federal court chart, it also consists of trial courts, intermediate appellate courts and a supreme court. There are many courts in New York. To make matters more difficult, one group of courts—the county courts—sometimes have dual functions.

New York's court system is divided in several different ways. N.Y. is divided into geo-political subdivisions called counties, 62 of them. Most counties are divided further into cities, towns and villages. The exception is New York City which has five counties within its borders.

The City of New York—a little geography

Instead of the city being in a county, there are five counties contained within the city: New York, Bronx, Kings, Queens and Richmond. These counties correspond geographically with the Boroughs of NYC. New York County is the Borough of Manhattan; Bronx County is the Borough of the Bronx; Kings County is Brooklyn; Queens County is Queens and Richmond County is Staten Island.

Bronx County is the only part of the city that is not on an island. New York County is on the island of Manhattan; Kings and Queens Counties are found on Long Island (which also contains Nassau and Suffolk Counties—not part of the city); Richmond is Staten Island.

The counties of New York are divided, for judicial purposes, among four Departments. Each of these Departments has a number of counties contained in it. The numbers of counties in each Department is not equal. It was an attempt to equalize the case loads, at the time the departments were created. From time to time there are suggestions made to increase the number of departments or rearrange the counties in an attempt to take into consideration the changes over time in the caseloads. Near the end of this chapter is a chart showing which counties are contained in which departments.

Each department also has contained within it two or more judicial districts. Each judicial district consists of one or more counties. **Judicial districts are not courts.** These districts are solely for administrative purposes, serving to make the functioning of the courts more uniform and efficient.

One of the difficulties in understanding the court structure is that some of the courts, the county courts, have trial and appellate functions, depending on in which department the case is being heard. We must remember to keep these functions separate. Another difficulty is that the lower level trial courts and lower intermediate appellate courts in New York City and the surrounding counties are different from those courts in the other areas of the state. Much of this is due to the large population and the amount and complexity of the litigation that takes place in NYC because of the heavy business and governmental presence.

There are many **trial courts** in New York State. There are the various local courts—the city, town and village courts; the New York City Civil and New York City Criminal Courts; the County Courts, one in every county outside of New York City; the District Courts, found only

in Nassau and Suffolk Counties. Each of these courts' names are preceded by the name of the geographical jurisdiction in which they are contained. For example, the county court in Oswego County is named the "Oswego County, NY, Court;" the District Court in Suffolk County is named the "Suffolk County, NY, District Court;" Spring Valley's Village Court is called "Spring Valley, NY, Village Court." Each of these courts may only handle certain types of cases—referred to as the court's subject matter jurisdiction—covered elsewhere in this text.

The County Courts in the Third and Fourth Departments, and **ONLY** in those departments, also exercise limited appellate jurisdiction and, thus, also serve as intermediate appellate courts, filtering those cases that might be appealed from the lower courts in those departments to the N.Y.S. Supreme Court, Appellate Division.

Then there are the courts whose names begin with the words "New York State." They are the Supreme Court, one branch in each county; the Family and Surrogates Courts, one in each county; and, the Court of Claims. These also are all trial courts. The N.Y.S. Supreme Court is the main trial court in New York State.

The trial courts, other than the county courts and the statewide courts, are referred to as inferior courts.

There are two layers of intermediate appellate courts in New York State. As mentioned earlier, the County Courts serve this function for certain appeals, but only for the inferior trial courts in the Third and Fourth Departments. In the First and Second Departments there is the N.Y.S. Supreme Court, Appellate Term, often referred to as simply "the Appellate Term." There are County Courts in the Second Department, but they do not exercise an appellate function. These intermediate appellate courts do

not hear appeals from any of the statewide courts (and of course not from any court whose name begins with "United States" since that is an entirely different court system). They also do not hear certain types of criminal appeals, but we are only concerned with civil matters here.

The next level of intermediate appellate courts is the New York State Supreme Court, Appellate Division or, simply, "Appellate Division." There is one in each of the four departments. These courts each hear civil appeals from decisions of the lower intermediate appellate courts in their department. They also hear appeals directly from the N.Y.S. Supreme, Family, Surrogate's Courts and the Court of Claims as well as the county courts in the 3rd and 4th Departments. We need to keep in mind that a party cannot appeal simply because they lost the case; appeals may be taken only if there is an appealable issue.

The highest appellate court (unlike in most jurisdictions where they are named that state's Supreme Court) in New York is named The New York State Court of Appeals. Its jurisdiction is the entire State of New York. It is the court of last resort for both criminal and civil appeals. Civil appeals usually only come from one of the four Appellate Divisions with a few exceptions. There are some instances where there is an appeal as of right, but most appeals to this court must first be granted permission to appeal, either by an Appellate Division or the court itself. Again, this is the last stop for cases, unless there is an issue arising under federal law. [CPLR Art. 56] This court may also give advisory opinions regarding New York's laws to the highest courts of other states or federal appellate courts when asked. [Court of Appeals Part 500.27. Rules of Practice (22 NYCRR Part 500)]

Take a look at the New York court chart near the end of this chapter. Most cases originate in one of the trial

courts at the bottom of the chart. The appellate process advances upward through the chart. The appeal goes through one or both levels of the intermediate appellate courts, depending on the level of the trial court, which Department the trial court is in and the type of case. The case ends at the highest appellate court, the court of last resort, the supreme court—The New York State Court of Appeals.

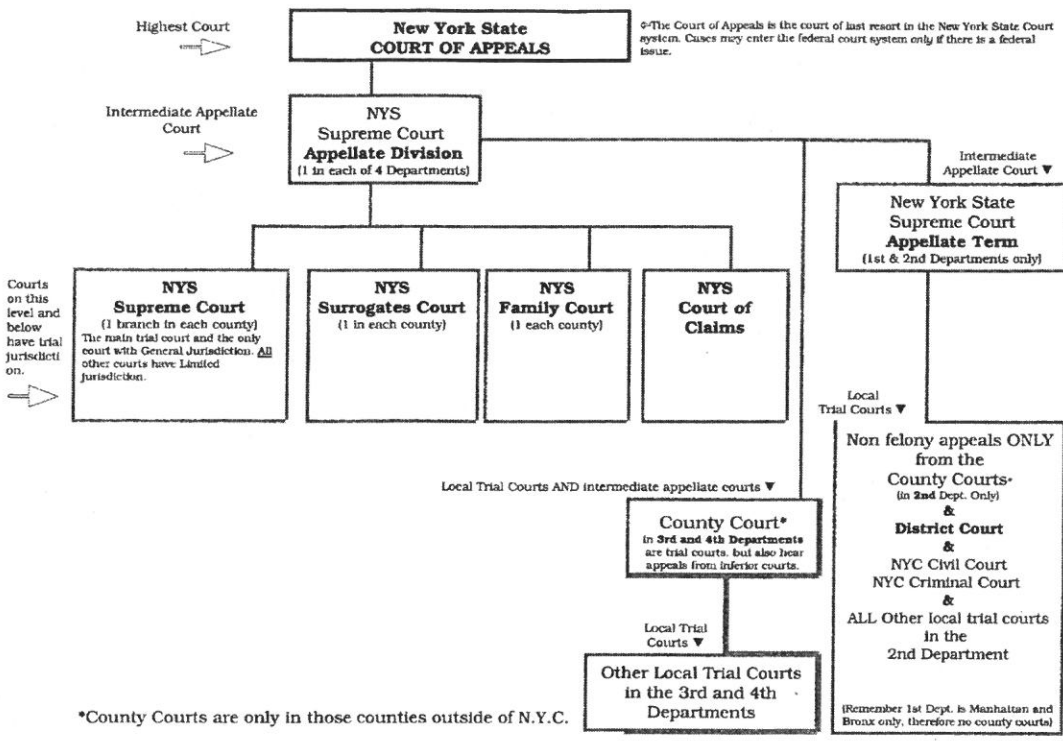
Reading the court chart

Follow the lines from bottom to top.

Example 1. A case may originate in the New York City Civil Court, Kings County. If there is an appealable issue, the case is appealed to the New York State Supreme Court, Appellate Term, 2nd Department. Again, if there is an appealable issue, the matter may then be appealed to the New York State Supreme Court, Appellate Division, 2nd Department. If there is yet another appeal, the case usually ends at the New York State Court of Appeals.

Example 2. A case may originate in the Albany County Court. If there is an appealable issue, the case is appealed to the New York State Supreme Court, Appellate Division, 3rd Department. If there is yet another appeal, and it will hear the case, the case usually ends at the New York State Court of Appeals.

In both of these examples, if there is an issue arising under federal law, the matter is then submitted to the U.S. Supreme Court, which may or may not hear the appeal.



*County Courts are only in those counties outside of N.Y.C.

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The Four Departments of the APPELLATE DIVISIONS and the Counties contained therein, showing the judicial districts in which the counties are located.
Judicial Districts are not courts. They are set up solely for administrative purposes.

First Department	Third Department	Fourth Department
1st Judicial District New York	3rd Judicial District Albany	5th Judicial District Herkimer
12th Judicial District Bronx	Columbia	Jefferson
	Greene	Lewis
	Rensselaer	Oneida
	Schoharie	Onondaga
	Sullivan	Oswego
	Ulster	
Second Department		7th Judicial District
2nd Judicial District Kings		Cayuga
		Livingston
9th Judicial District Dutchess		Monroe
Orange		Ontario
Putnam		Seneca
Rockland		Steuben
Westchester		Wayne
		Yates
10th Judicial District Nassau		8th Judicial District
Suffolk		Allegany
		Cattaraugus
11th Judicial District Queens		Chautauqua
		Erie
13th Judicial District Richmond		Genesee
		Niagara
		Orleans
		Wyoming
	6th Judicial District	
	Broome	
	Chemung	
	Chenango	
	Cortland	
	Delaware	
	Madison	
	Orsego	
	Schuyler	
	Tioga	
	Tompkins	

Did You Get It?

1. To which court will an appeal from a judgment in Tioga County's County Court be taken?
2. To which court will an appeal from a judgment in Nassau County's County Court be taken?
3. To which court will an appeal from a judgment in the Bronx County's County Court be taken?
4. What is the name of New York's supreme court?
5. Look up the name of the supreme courts in some other states.
6. Look up the names of the main trial courts in other states.
7. Which courts in New York have trial and appellate jurisdiction?

An excellent source of information about the structure of the New York courts may be found at the Unified Courts System's own website:

<http://www.courts.state.ny.us/courts/>