

Monday, September 14, 2020 (Intro class 5 of 30!!)

Today:

- Meet your Peer Mentor!
- FYLC Collaborative Assmt #1: Issue-spotting with Amy Tan!
- Federal and NY court systems cont'd!!

For Wed. Sept. 16:

- Post Amy Tan response on OL by 10am.
- Read M&M ch. 2 pp. 20-30 (where paralegals work).
- For 1103 credit: C&W ch 6 p. 21 DYGI? #1-7. *Details on OL.*

Fri. Sept. 18: No Civ Pro class!! 😞 *Happy Rosh Hashanah!*

For Mon. Sept. 21 (Intro)—*details on Wednesday!!*

- Quiz #1! (incl'g general court info & federal court system)
- Law office post on OL by 10am.
- Read M&M ch. 2 pp. 38-43 (on resumes).

Fri. Sept. 25: Civ Pro quiz #1 (incl'g NYS court system).

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Legal issue (or legal question) = potential matter of dispute in a legal controversy or lawsuit, *such as* whether someone violated a law, or whether a transaction was legally valid.

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Writ of certiorari = request to US Supreme Court to consider an appeal.

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New York State UNIFIED COURT SYSTEM! Yippee!! *Buckle your seat belts.*

Trial courts (divided by 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)

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

NYS Surrogate's Court (1 per county)

- probate (wills & estates)
- adoptions

NYS Court of Claims

- by statute, has exclusive jurx over \$ damages claims against NYS & related entities (e.g., CUNY)
 - so NYS Supreme 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 and lesser offenses
- felony arraignments & preliminary hearings

Local trial courts outside NYC:

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 (upstate)

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; Small Claims & Housing
- criminal misdemean & lesser offense trials; felony arraignments

Town & Village Courts

- civil cases up to \$3,000; Small Claims & Housing
- criminal misdemean's & lesser off's; 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 & Crim Cts
- appeals from District & City/Town/Vill Cts in 2d Dep't

Highest appellate court (only one!)

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

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

PHEW!! That's a lot of information. 😊