

Friday, October 2, 2020 (Civ Pro class 5 of 15!)

Today:

- Jurisdictional bases cont'd!
- Get to know the CPLR!

End of today: *Optional*—FYLC "Our Stories" post! *Up to 3 midterm pts.*

For Mon. Oct. 5 (Intro—*but we will do Civ Pro!*):

- Find & read CPLR § 302. By 10am, email me title & what it is about (in your words).
- Final resume & cover letter due by email by end of day.

For Wed. Oct. 7 (Intro—*really!!*):

- Read M&M ch. 3, email thoughtful Q or response by 10am.

For Fri. Oct. 9 (next Civ Pro):

- Read *Leuthner v. Homewood Suites* case on OL. Post a thoughtful reply: what you found interesting, or a question, etc. by 1pm.
- (Re)read C&W ch. 4.

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

- *Depends on factors*, including geography, subject, parties, etc.
- *Court only has jurx* if a constitution or statute says it does!
- *Jurisdiction is **CRITICAL!!*** If a court decides, but it lacked jurisdiction, decision is void.

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

- ALL courts in NYS (NYS *and* federal) have limited jurx—*except* NY Supreme Court!!
- ALL federal courts have limited jurx!! *Even US Supreme Court.*

General jurisdiction = court's authority to decide any type of case *unless* a statute says it cannot.

- Only court in NYS with general jurx is NY Supreme Court.
- NO federal court has general jurx → *not even U.S. Supreme!!*

Coughlin, a Brooklyn resident, wants to sue Driver, a Delaware resident. Driver broke Coughlin's leg when he opened his car door in front of Coughlin while she was riding her bicycle in Manhattan. Coughlin will sue Driver under NY personal injury law for \$100,000 in damages.

May she sue him in federal court? **YES!! Why or why not? **Because the case satisfies diversity jurisdiction requirements!!****

Federal courts' jurisdiction → 2 main types of cases:

(1) federal question jurisdiction

- case must involve federal law (*such as* immigration or federal Civil Rights Act or U.S. Constitution)
- fed court can also decide related state law claims under supplemental jurx (*such as* NYS Human Rights Law or NYS Constitution)

(2) diversity jurisdiction – case must satisfy two criteria:

1. dispute between citizens of different states *such as* Coughlin (NY) v. Driver (Delaware) **AND**
2. amount in controversy = at least \$75,000!

Other types of jurisdiction – SEE C&W ch. 3 for examples and further explanations:

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

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

Appellate jurisdiction = authority to decide an appeal of a lower court's decision (to review lower court's decision)

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

- e.g., NY Supreme Court *AND* NYC Civil Court have concurrent jurx over civil cases up to \$25,000.

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

- "in personam jurisdiction"
- "person" = human, business, other entity
- *includes* long arm jurisdiction!!

New York Civil Practice Law and Rules (CPLR)!!

Available at: <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO>: → select "CVP"

- NYS statute governing procedures in civil cases in NYS courts.
 - statute = law enacted by (NYS) legislature
- Topics include jurx, venue, pleadings, statutes of limitations, *and so much more!!*
- "User's manual" for NY courts in civil cases!
 - deadlines, documents to file, etc.
 - Your best friend ☺ OR worst enemy!! ☹
- GOAL = find your way around → *not to memorize.* ☺