

**Monday, February 11, 2019** (class 5 of 30!)

*College is closed tomorrow. Happy Birthday President Lincoln!!*

**Today:** Structure of the Courts cont'd: NYS Unified Court System

**Now:** Take out NYS court charts & map.

**For next class** (Wed. Feb. 13):

- Reply/comment on a post on OpenLab.
- Bring court charts & maps!

**Wed. Feb. 20:** Bring CPLR!

**Mon. Feb. 25:** QUIZ!

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

**FALSE!!** Individuals in the U.S. must obey laws created by the federal government, AND laws created by state and local governments. This is **FEDERALISM!!**

## **NYS UNIFIED COURT SYSTEM!**

**Trial courts** (divided by Counties)

*Statewide:*

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

- general jurx (only court in NY that has it)
- primarily handles:
  - civil cases involving > \$25,000
  - criminal felonies (in NYC only)
  - 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)

- wills & estates (dead people)
- adoptions

**NYS Court of Claims**

- exclusive jurx over \$ damages claims against NYS & related entities (e.g., CUNY)

*Local trial courts in NYC (5 boroughs):*

### **NYC Civil Court**

- civil cases up to \$25,000 in damages
- *includes* Small Claims Court (up to \$5,000)
- *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**

- 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** (Albany)

- 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 → ??

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

**Federal courts' jurisdiction** → 2 main types of cases:

(1) federal question jurisdiction

- involve federal laws
- e.g., whether an individual may enter the U.S., or whether the U.S. Constitution was violated

(2) diversity jurisdiction – must satisfy two criteria:

- dispute between citizens of different states (e.g., LeBron James v. Carmelo Anthony) **AND**
- amount in controversy = at least \$75,000

**Trial courts** (divided into 94 Districts)

- main trial courts = U.S. District Courts (94)
  - *plus* specialized courts (Bankruptcy, Tax, etc.—1 per Dist.)
- NY includes:
  - 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, 1 judge

**Intermediate appellate courts** (divided into 13 Circuits)

- U.S. Circuit Courts of Appeals
- NY is in the Second Circuit.
- appellate jurx over fed trial courts (District, Bankruptcy, etc.)
- 3-judge panels

**Highest appellate court** = U.S. Supreme Court!!

- appellate jurx over:
  - all Circuit Courts of Appeals
  - highest state courts on federal questions
- original jurx over cases between 2+ states
- 9 justices; Chief Justice → ??

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