

**Thursday, February 18, 2021** (class 6 of 30!!)

**Today:** Determining governing law: US (federal) & NYS legal systems *cont'd!*

**For Tu. Feb. 23:**

- Quiz #1! (intro to legal research, types of auth's, legal systems) *at end of class.*
- Read excerpts from ch. 3 (Court Decisions).

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**?? True or False?!** Individuals in the U.S. are required to abide by laws created by only one government: the government of the United States of America (the federal government).

**FALSE!** In addition to the federal government's laws, they must abide by laws created by the governments of the states and localities (cities, etc.) they are in. This is called "federalism."

**Federal (U.S.) Court System!**

**Trial courts** (lowest level)

- Original jurisdiction (where cases originate)
- Main federal trial courts (decide most cases, civil & criminal): **District Courts** (94 Districts)
  - Called, for example, "U.S. District Court for the District of New Jersey" *or just* "District of New Jersey"
  - NY includes 4 federal Districts: Eastern, Western, Northern & Southern
    - *known as* "U.S. District Court for the Eastern District of New York," etc.
    - *abbreviated as* E.D.N.Y., W.D.N.Y., N.D.N.Y., S.D.N.Y.
    - E.D.N.Y includes Brooklyn, Queens, Staten Island (plus Nassau and Suffolk).
    - S.D.N.Y. includes Manhattan and the Bronx (plus some upstate counties).
- Fed. trial courts also include specialty courts: Bankruptcy, Tax, Int'l Trade, Federal Claims.
- Trial courts' decisions are NOT binding on any court!! *Can be persuasive.*
  - Also, trial courts often follow decisions of other trial courts in their jurisdiction in the spirit of "comity," or mutual courtesy and respect (if they don't strongly disagree).

**Intermediate appellate courts** (middle level)

- Appellate jurisdiction (consider appeals of trial courts' decisions)
- U.S. Circuit Courts of Appeals
- *Divided into* 13 Circuits: 1-11, plus D.C. Circuit & Federal Circuit.
  - All District Courts in NY (E.D.N.Y. etc.) are in the Second Circuit (along with District of Vermont & District of Connecticut—*see* Federal court system map on OL!)
  - "U.S. Court of Appeals for the Second Circuit" *or* "Second Circuit Court of Appeals"
- Decisions bind ONLY trial courts within that Circuit!! *Can be persuasive on any court.*

### **Highest appellate court** (top level)

- Appellate jurx (mainly considers US Circuit Cts' decisions—*some others*)
- Only one: *U.S. Supreme Court!*
- Binds ALL courts considering federal issues!

### *?? What courts' decisions are binding on:*

- U.S. District Court for the District of Utah (UT)? ***U.S. Court of Appeals for the Tenth Circuit AND U.S. Supreme Court!***
- U.S. District Court for the Eastern District of Wisconsin (WI)? ***U.S. Court of Appeals for the Seventh Circuit AND U.S. Supreme Court!***
- U.S. Court of Appeals for the Third Circuit? ***U.S. Supreme Court ONLY!***

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### **NYS Unified Court System!!**

#### **Trial courts** (lowest level—original jurx)

- Main trial court (most cases, civil & criminal) = **NY Supreme Court**
  - One branch per county (Kings, Queens, New York, etc.)
  - *plus* Family Court, Surrogate's Court, Court of Claims
- Decisions are NOT binding on any court!! *Can be persuasive on any court.*

#### **Intermediate appellate courts** (middle level—appellate jurx)

- Appellate Division (*plus Appellate Term in 1st & 2d Dep'ts*)
  - Divided into 4 Departments
  - NYC counties are in 1st (NY & Bronx) & 2d (Kings, Queens, Richmond)
- Decisions bind trial courts within that Dep't!! *Can be persuasive on any court.*

#### **Highest appellate court** (top level—appellate jurx)

- Only one: *N.Y. Court of Appeals!*
- Mostly considers Appellate Division decisions.
- Binding on ALL courts considering NYS issues! *Even US Supreme Court.* ☺ *Otherwise persuasive on all courts.*

### *?? What courts' decisions are binding on:*

- N.Y. Supreme Court, Bronx County? ***Appellate Division, First Department AND NY Court of Appeals!***
- N.Y. Family Court, Chemung County? ***Appellate Division, Third Department AND NY Court of Appeals!***
- N.Y. Appellate Division, Second Department? ***JUST NY Court of Appeals!***