

**Tuesday, February 16, 2021** (class 5 of 30!!)

**Today:** Determining governing law *cont'd*:

- US (federal) legal system (including courts)!
- NYS Unified Court System!

**For Th. Feb. 18:** No trip. ☹ Meet for class! ☺

- Review US and NYS court charts & maps (on OL).

**For Tu. Feb. 23:**

- Quiz #1! (intro to legal research, types of auth's, legal systems)
- Read ch. 3 (Court Decisions) pp. 37-61.

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**governing law** = law that governs the answer to a legal question

- *Only* primary sources! (constitutions, statutes, cases, etc.)
- *Need to know what ...* subject? (geographic) jurx? level of court?

*To understand all this, need to understand the ...*

**Three branches of government!** *All make laws.*

- **Legislative branch**
  - US Congress, NYS Legislature, *etc.*
  - Enact *statutes!*
- **Executive branch**
  - US President, NYS Governor, agencies like FDA, DOH, *etc.*
  - Enact *administrative law!* (rules & reg's, Executive Orders)
- **Judicial branch**
  - US & NYS court systems
  - Create *case law!* (common law)

*All must follow* the US Constitution → *highest law of the land!!*

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*Focusing on the judicial branch:* **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)
  - NY includes 4 Districts: Eastern, Western, Northern, Southern (E.D.N.Y., W.D.N.Y., etc.)

- *plus* federal specialty courts: Bankruptcy, Tax, Int'l Trade, Fed Claims
- Decisions are NOT binding on any court!! *Can be persuasive on any court.*

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

- Appellate jurisdiction (consider appeals of trial courts' decisions)
- U.S. Circuit Courts of Appeals
- 13 Circuits, including D.C. Cir. & Federal Cir.
  - All N.Y. District Courts (E.D.N.Y. etc.) are in Second Circuit (with Dist. of Vermont & Dist. of Connecticut)
- Binding on District Cts 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 in federal system!! *U.S. Supreme Court*
- Binds ALL courts considering federal issues!