

**Thursday, March 4, 2021** (class 10 of 30!!)

**Today:**

- Review when federal & state courts bind each other!
- Finish case reporting system!
- Start how to read a case!

**Next class (Tu. March 9): WE WILL MEET!**

- (Re)read People v. Neulander (WestLaw version)!
- Quiz #2 at end of class! *Quiz #1 through end of today's class.*

**Th. March 18: MIDTERM EXAM!!**

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**When federal & state courts bind each other—basic propositions:**

**State courts may decide questions involving federal laws!!** (US Const., federal statutes, etc.)

- *IF no federal court has exclusive jurisdiction, like bankruptcy (only decided by U.S. Bankruptcy Court).*

**Federal courts may decide questions involving state laws!!** (NYS statutes, exec. orders, etc.)

- *IF they are substantially related to a federal question before the court (supplemental jurisdiction).*

**When state courts will be bound by federal courts, and vice versa, depends on:**

- (1) whether the question (issue) is being decided by a state or federal **court, and**
- (2) whether the question involves state or federal **law.**

***Specific rules!!*** (Know these.)

**RULE #1: State courts deciding federal issues are bound by (must follow) U.S. Supreme Court ONLY!!**

- They are *NOT bound* by any lower federal courts (U.S. Dist. Cts. or U.S. Cts. of App.).
- They are *NOT bound* by any state courts at all – including the highest appellate court!
- This rule *ONLY* applies when state courts are deciding federal issues.
- (As always) all other courts' decisions may be persuasive!

***Example:*** N.Y. Supreme Court, Kings County (a state court), is deciding whether City Tech violated the U.S. Constitution's First Amendment by refusing to allow a Trump rally on campus (a federal issue). **N.Y. Supreme Court, Kings County, is ONLY bound by U.S. Supreme Court decisions on this issue.**

**RULE #2: Federal courts considering state law issues are bound by decisions of the state's highest appellate court (such as N.Y. Ct. of App.)—ONLY!!**

- They are *NOT bound* by any lower state courts (trial or intermediate appellate).
- They are *NOT bound* by any federal courts at all – *not even U.S. Supreme Court!*
- *In fact . . . even U.S. Supreme Court must follow a highest state court on an issue involving that state's law!! But ONLY then.*
- This rule *ONLY* applies to federal courts deciding state law issues.
- (As always) all courts' decisions may be persuasive!

**Example:** U.S. District Court for Eastern District of N.Y. (a federal court) is deciding whether City Tech violated Gov. Cuomo's executive order against indoor dining by opening its cafeteria (a NY state law issue). **E.D.N.Y. is ONLY bound by decisions of N.Y.'s highest appellate court (N.Y. Court of Appeals).**

**\*\*See the handy chart linked on OpenLab with these notes!!** (if you find it helpful)

**\*\*Here's a handy way to remember this!!** (again—only if you find it helpful!): **"When you cross over** from state to federal, or vice versa, **go straight to the top!"** of the court hierarchy

**Let's practice!!**

**Example:** Michigan Circuit Court (the state's main trial court) is considering the NAACP Legal Defense Fund's lawsuit against former President Donald Trump and his campaign, alleging that Trump and the campaign violated the federal Voting Rights Act by attempting to suppress votes, particularly those of Black voters, by falsely alleging election fraud.

**Which courts' decisions are binding on Michigan Circuit Court in this case? (Select all that apply.)**

- (A) U.S. Supreme Court – *only this one!! We're in a state trial court deciding a federal issue.*
- (B) U.S. District Court for the Eastern District of Michigan
- (C) Michigan Court of Appeals (its intermediate appellate court)
- (D) Michigan Supreme Court (its highest appellate court).

**Example:** In that same case, the NAACP has added a claim that Trump and his campaign also violated Michigan's state statute prohibiting suppression of votes (in addition to their claim under the federal Voting Rights Act).

**Which courts' decisions are binding on Michigan Circuit Court? (Select all that apply.)**

- (A) U.S. Supreme Court—*on the federal issue ONLY!! (federal Voting Rights Act)*
- (B) U.S. Dist. Ct. for the Eastern District of Michigan—*NOT this one, it's a lower federal court.*
- (C) Michigan Court of Appeals (the state's intermediate appellate court)—*on the state law law issue ONLY!! (Michigan's state statute)*
- (D) Michigan Supreme Court (the state's highest appellate court) *on the state law law issue ONLY!! (Michigan's state statute)*

**Example:** In that same case, it turns out that no federal court, nor any Michigan state court, has ever considered whether false allegations of election fraud constitute an attempt to suppress votes in violation of either the federal Voting Rights Act or Michigan's own voting rights law.

**Which courts' decisions are binding on the Michigan Circuit Court? (Select all that apply.)**

- (A) U.S. Court of Appeals for the Seventh Circuit (which includes the U.S. District Court for the E.D. Mich.)
- (B) U.S. Supreme Court
- (C) Michigan Court of Appeals (intermediate appellate court)
- (D) Michigan Supreme Court (highest appellate court)

**NONE OF THESE!! This is a "case of first impression"! There is no binding case law on it—yet. ☺**

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**Case reporting system** = system by which court decisions selected for publication are organized.

**Reporters** = sets of books containing decisions by particular court(s).

- Some reporters are organized into multiple *series* (1st, 2d, etc.).
- Each reporter (or series) is organized into numbered *volumes* (books).
- Each volume is organized into *pages*.
- Volume and page numbers are used in *citations*.
- Decisions appear (generally) in *chronological order*.

**Some commonly used case reporters**

\*\**Red bold print* are "official" reporters.

- published or approved by the government
- Where possible, cite official reporters in documents submitted to courts in that jurisdiction.

***Federal court reporters:***

**U.S. Supreme Court:** Supreme Court Reporter  
U.S. Sup. Ct. Reports Lawyers' Edition (plus 2d Series)  
**United States Reports**

**U.S. Cir. Cts. of App.** Federal Reporter (plus 2d & 3d Series)  
*No official reporter.*

**U.S. District Courts:** Federal Supplement (plus 2d & 3d Series)  
*No official reporter.*

***New York State court reporters:***

**N.Y. Court of Appeals:** **New York Reports** (plus 2d & 3d Series)  
New York Supplement (plus 2d & 3d Series)  
North Eastern Reporter (plus 2d Series)

**N.Y. Appellate Division:** **Appellate Division Reports** (plus 2d & 3d)  
New York Supplement (plus 2d & 3d)

**N.Y. Sup. Ct. (& all trial cts):** **Miscellaneous Reports** (plus 2d & 3d)  
New York Supplement (plus 2d & 3d)

**"Slip opinion"** = first printed version of a decision, shortly after court issues it, before publication.