

**Tuesday, March 2, 2021** (class 9 of 30!!)

**Today:** *Follow up* on court systems: when federal & state courts bind each other!

**For next class** (Th. March 4):

- Email me dates for oral presentation!
- Read "How to Read a Case" and People v. Neulander and post a reply on OL!

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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!** Individuals in the U.S. are also expected abide by the laws of the states and localities (cities, etc.) they are in. *This is called "federalism."*

**?? May a NYS court decide a question involving federal law?**

*For example,* may N.Y. Supreme Court, Kings County, decide whether City Tech violated the First Amendment of the U.S. Constitution by refusing to allow a Trump rally on campus?

**?? May a federal court decide a question involving state law?**

*For example,* may U.S. District Court for Eastern District of N.Y. decide whether City Tech violated Gov. Cuomo's executive order against indoor dining by opening its cafeteria?

**(Generally) YES! to both! State courts may decide questions involving federal laws** (US Constitution, federal statutes, etc.) **AND federal courts may decide questions involving state laws** (NYS statutes, executive orders, etc.) *with certain exceptions.*

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**TRUE or FALSE?!** The U.S. Sup. Ct. can never be bound by a decision of any state court.

**TRUE or FALSE?!** The N.Y. Ct. of Appeals is always bound by decisions of all federal courts.

**FALSE! for both!**

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

- (1) Is the case being decided by a state OR federal court?
- (2) Are they deciding a state OR federal issue (legal question)?

**\*\*See the chart posted with these notes on OpenLab!!**

**RULE: State courts deciding federal issues are bound by (must follow) U.S. Sup. Ct. **ONLY!!****

- *NOT bound* by lower federal courts (U.S. District Courts or U.S. Courts of Appeals).
- *NOT bound* by any state courts – including the highest!
- This *ONLY* applies when state courts are deciding federal issues.
- Any of the other courts' decisions may be persuasive!

**Example:** N.Y. Supreme Court, Kings County, is deciding whether City Tech violated the U.S. Constitution's First Amendment by refusing to allow a Trump rally on campus.

**Which courts' decisions are binding on N.Y. Supreme Court, Kings County, in this case? (Select all that apply.)**

- (A) N.Y. Appellate Division, Second Department
- (B) N.Y. Court of Appeals
- (C) U.S. Court of Appeals for the Second Circuit
- (D) U.S. Supreme Court**

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**RULE: 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!!****

- *NOT bound* by any lower state courts (trial or intermediate appellate).
- *NOT bound* by any federal courts – including U.S. Supreme Court!
- *In fact...* even U.S. Sup. Ct. must follow N.Y. Ct. of App. on N.Y. law issues!! *ONLY then.*

**Example:** U.S. District Court for Eastern District of N.Y. (E.D.N.Y.) is deciding whether City Tech violated Gov. Cuomo's executive order against indoor dining by opening its cafeteria.

**Which courts' decisions are binding on the E.D.N.Y. in this case? (Select all that apply.)**

- (A) U.S. Court of Appeals for the Second Circuit
- (B) U.S. Supreme Court
- (C) N.Y. Court of Appeals**
- (D) N.Y. Supreme Court

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**Example:** Now, it's the U.S. District Court for Eastern District of N.Y. deciding whether City Tech violated the U.S. Constitution's First Amendment by refusing to allow a Trump rally on campus. In that case, the court is also deciding whether City Tech violated the constitutions of New York and New Jersey, both of which also protect free speech. (Some students who are plaintiffs in the case are from NJ.)

- What courts' decisions are binding on the E.D.N.Y. in this case? (Select all that apply.)**
- (A) U.S. Ct. of Appeals for the 2d Circuit – on federal law (US Constitution) question ONLY
  - (B) U.S. Supreme Court – on federal law (US Constitution) question ONLY
  - (C) N.Y. Court of Appeals – on NY law (NY constitution) question ONLY
  - (D) N.J. Supreme Court (highest court of NJ) – on NJ law (NJ constitution) question ONLY

**Example:** It turns out that no federal court, no New York court, and no New Jersey court has ever considered the question of whether a college violates the US, NY or NJ constitutions by refusing to allow a political rally on campus.

- What courts' decisions are binding on the E.D.N.Y. in this case? (Select all that apply.)**
- (A) U.S. Court of Appeals for the Second Circuit
  - (B) U.S. Supreme Court
  - (C) N.Y. Court of Appeals
  - (D) New Jersey Supreme Court (highest court of New Jersey)
  - (E) **None of the above.**

*This is a "case of first impression"!*