

My practice pointer is state and federal courts can decide issues of state or federal law.

To understand which court (whether it be state and/or federal) can decide an issue concerning state or federal law, we must know what jurisdiction is.

### **What is jurisdiction?**

Based on “The Legal Research and Writing Handbook” jurisdiction is defined as, “...the right of a state or of the federal government to apply its laws to a dispute and to exercise control over a conflict.”

Now that we understand what jurisdiction is, we need to know what factors make up state jurisdiction and federal jurisdiction.

### **State Courts:**

State courts can decide any case that violates state law.

- Civil
- Criminal
- Family
- Probate (wills & estates)
- Divorce/marital cases

### **Federal Courts:**

Federal courts become involved when a federal law is violated.

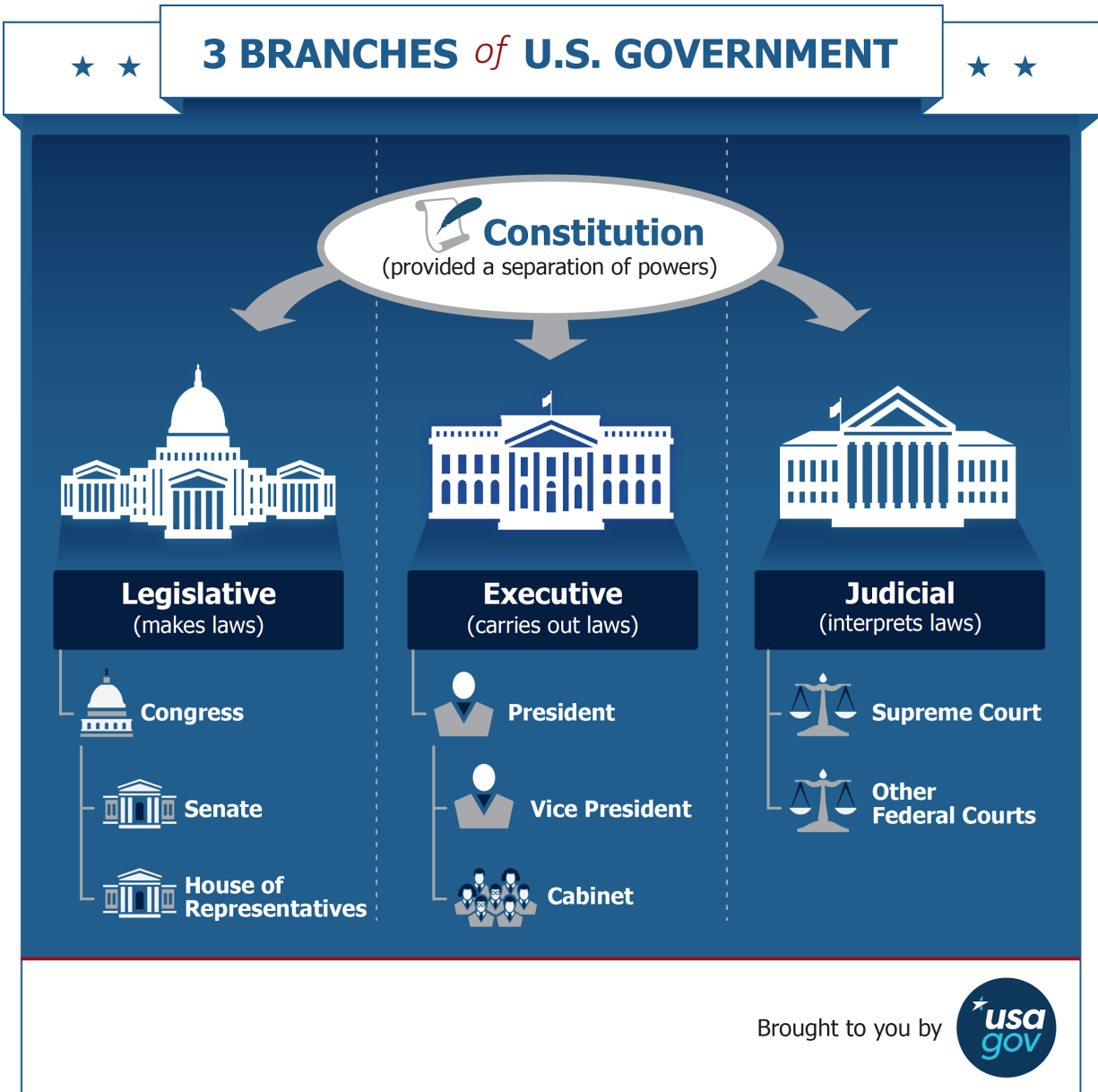
- Federal question jurisdiction, this means that there are two causes that can determine whether it is federal or not.
  - Can they enter the U.S.?
  - Were their Constitutional rights violated?
- Diversity jurisdiction involves the different states the two parties live in and the amount in controversy (at least \$75,000).
- [https://www.law.cornell.edu/wex/supplemental\\_jurisdiction](https://www.law.cornell.edu/wex/supplemental_jurisdiction)

“Supplemental jurisdiction only exists in the situation where a lawsuit consists of more than one claim, and the federal court has valid jurisdiction (either diversity jurisdiction or federal question jurisdiction) over at least one of the claims.”

Now that we understand how federal courts and state courts operate, let’s discuss how they work hand in hand.

**Governing Law:** “law that governs the answer to a legal question.” This includes statutes, constitutions, cases, etc.

But first, we have to quickly break down the three branches of the government.



Legislative: U.S. Congress, NYS Legislature.

Executive: U.S. President, NYS Governor, FDA, DOH

Judicial: U.S. & NYS Court Systems

**One thing they have in common: They all have to follow the U.S. Constitution, the highest law.**

**But can state and federal courts decide issues of state or federal law? The answer is yes**

Here are some examples:

- There is a BLM protest taking place in Manhattan but the police show up and start to terrorize the people participating. The organizers want to sue the police department because they believe that their constitutional rights were violated.
- Using Professor Coughlin's example, "may the U.S. District Court for Eastern District of N.Y. decide whether City Tech violate Gov. Cuomo's executive order against indoor dining by opening its cafeteria?" Yes!