

## 3.2: Part I- New York and Federal Court Structure

### HOW IS THE NEW YORK COURT SYSTEM STRUCTURED?

- The New York State Court System is a three-tiered court system.
- Cases start in a trial court.
- If a trial court judgment is appealed, the appeal is heard by an intermediate appellate court.
- If the decision of the intermediate trial court is appealed, and that appeal is granted, the appeal is heard by the highest court in NYS, the New York State Court of Appeals.

### NEW YORK STATE TRIAL COURTS\*

\*Source: The Courts, (2016), Retrieved July 27, 2018 from <https://www.nycourts.gov/courts>

#### Town and Village Courts

There are nearly 1300 Town and Village Courts with approximately 2,200 Town and Village judges. These courts are often referred to collectively as the Justice Courts. They are located in NYS's towns and villages. These courts handle close to 2 million cases a year.

**Civil Jurisdiction:** The Town and Village Courts hear actions seeking monetary awards up to \$3,000. They also hear small claims proceedings for awards up to \$3,000. These courts handle landlord/tenant matters that may result in evictions, as well as money judgments for back rent and damages.

Town and Village Courts small claims proceedings are intended to provide a low-cost, simplified and informal procedure for individuals to resolve disputes involving limited monetary claims. Often, the parties to these proceedings do not use attorneys.

**Criminal Jurisdiction:** Town and Village courts are authorized to handle matters involving the prosecution of misdemeanors and violations that are committed within their geographic borders.

These courts also conduct arraignments and preliminary hearings in felony matters. In addition, these courts hear Vehicle and Traffic Law misdemeanors and traffic infractions.

In cases involving domestic violence, the judges are authorized to issue orders of protection.

#### City Court

**Civil Jurisdiction:** City Courts hear civil matters for monetary disputes up to \$15,000. City Courts hear small claims proceedings for awards up to \$5,000.

**Criminal Jurisdiction:** City Courts are authorized to handle matters involving the prosecution of misdemeanors and violations that are committed within their geographic borders.

These courts also conduct arraignments and preliminary hearings in felony matters. In addition, these courts hear Vehicle and Traffic Law misdemeanors and traffic infractions.

In cases involving domestic violence, the judges are authorized to issue orders of protection.

#### County Court

The County Court is established in each county outside New York City.

**Civil Jurisdiction:** The County Court also has limited jurisdiction in civil cases involving amounts up to \$25,000.

**Criminal Jurisdiction:** County Court is authorized to handle the prosecution of all crimes committed within the county. County Courts generally handle felony cases. (Crimes are wrongdoings as described in the laws of NYS which are punishable by a fine, incarceration, or both.)

County Courts are also authorized to act as intermediate appellate courts, hearing appeals from the City Courts and the Town and Village Courts.

#### District Court

District Courts are located in Nassau County and parts of Suffolk County.

**Civil Jurisdiction:** District Courts have civil jurisdiction over claims up to \$15,000 and small claims matters not in excess of \$5,000.

**Criminal Jurisdiction:** District Courts are authorized to handle matters involving the prosecution of misdemeanors and violations that are committed within their geographic borders. These courts also conduct arraignments and preliminary hearings in felony matters.

### Surrogate's Court

Each county has a Surrogate's Court. Surrogate's Court hears cases involving the probate of wills, and the administration of estates of decedents in their county. This court also handles adoptions.

### Family Court

The Family Court has jurisdiction over matters involving families and children. Family Court's jurisdiction includes: Adoption; Guardianship; Foster Care Approval and Review; Delinquency; Persons in Need of Supervision; Family Offense (domestic violence); Child Protective Proceedings (abuse and neglect); Termination of Parental Rights; Custody and Visitation; and Support. The Family Court cannot grant a divorce; only Supreme Court can grant a divorce.

### New York State Supreme Court

In NYS, the Supreme Court is not the highest court in NYS, it is a trial court. This is unique to New York State. Most states call their highest courts the Supreme Court, with the exception of New York State, the State of Maryland, and the District of Columbia. While the NYS Supreme Court has unlimited, original jurisdiction, this court generally hears cases that are outside of the jurisdiction of other courts.

**Civil Jurisdiction:** This court hears matters beyond the monetary limits of the lower courts. This court has exclusive jurisdiction over divorce, separation, and annulment proceedings. This court also has jurisdiction over matters such as mortgage foreclosures and injunctions.

**Criminal Jurisdiction:** Supreme Court is authorized to handle the prosecution of all crimes committed within their jurisdiction. However, they generally handle felony cases.

### Civil Court of the City of New York

**Civil Jurisdiction:** The Civil Court of the City of New York hears civil cases involving monetary amounts up to \$25,000, and other civil matters referred to it by the Supreme Court. This court also hears small claims proceedings up to \$5,000. In addition, this court also has a housing part for landlord-tenant matters and housing code violations. This court has no criminal jurisdiction.

### Criminal Court of the City of New York

**Criminal Jurisdiction:** The Criminal Court of the City of New York is authorized to handle matters involving the prosecution of misdemeanors and violations that are committed within its geographic borders. These courts also conduct arraignments and preliminary hearings in felony matters. This court has no civil jurisdiction.

### Court of Claims

The Court of Claims has jurisdiction over the entire State of New York. This court does not have jurisdiction over any individuals, including NYS employees. However, some claims against individuals and NYS employees may be maintained against NYS based on wrongful conduct of employees for which NYS is responsible for.

The Court of Claims also has jurisdiction over the following public authorities which can be sued under their own names. These include the **New York State Thruway Authority**, the **City University of New York**, the **Roswell Park Cancer Institute Corporation**, the **Olympic Regional Development Authority**, and the **Power Authority of the State of New York**.

The Court of Claims has no jurisdiction over lawsuits involving county, town, city, or village governments, agencies, or employees. Litigation against these entities is governed by the provisions of the General Municipal Law. These entities, and other public authorities not referenced above, are sued in Supreme Court pursuant to the procedure set forth in the General Municipal Law.

## NEW YORK STATE APPELLATE COURTS\*

\*Source: The Courts, (2016), Retrieved July 27, 2018 from <https://www.nycourts.gov/courts>

- After a trial, if a plaintiff or defendant feels he/she did not receive justice, he/she has the right to an appeal. The exception to this right is that the prosecutor in a criminal case cannot appeal a not guilty verdict, or its equivalent, since this would create double jeopardy, which is a violation of both the NYS and United States Constitutions.

- The NYS Appellate Courts hear and determine appeals from the decisions of the trial courts. The NYS Appellate Courts are the Court of Appeals, which is NYS's highest Court, the Appellate Divisions of the Supreme Court, the Appellate Terms of the Supreme Court, and the County Courts acting as Appellate Courts in the Third and Fourth Judicial Departments.
- There are four Appellate Divisions of the Supreme Court called the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Departments. There is one Appellate Division of the Supreme Court in each of the State's four Judicial Departments. These Courts resolve appeals from judgments or orders of the trial courts of original jurisdiction in civil and criminal cases, and review civil appeals taken from the Appellate Terms, and the County Courts, acting as appellate courts.
- There are two Appellate Terms of the Supreme Court, one in each of the in the First and Second Departments. These courts hear appeals from civil and criminal cases originating in the Civil and Criminal Courts of the City of New York. The Second Department's Appellate Terms also have jurisdiction over appeals from civil and criminal cases originating in District, City, Town, and Village Courts, as well as non-felony appeals from the County Court.
- While the County Courts in the Third and Fourth Departments are primarily trial courts, they also hear appeals from cases originating in the City, Town, and Village Courts.
- The New York Court of Appeals is the highest court in New York State. It sits atop NYS's judicial system. Note that federal appellate courts are also called the U.S. Circuit Court of Appeals.
- The granting of an appeal to the NYS Court of Appeals is generally at the discretion of the Court. An appeal argued before the New York Court of Appeals has usually been heard by two lower courts (a trial court and the Appellate Division).
- The New York Court of Appeals is composed of a Chief Judge and six Associate Judges. They are each appointed to a 14-year term. They have a mandatory retirement age of 70 years of age.
- Except in cases involving a Federal question, where the Supreme Court of the United States has the last word, the Court of Appeals makes the final statement of the law in New York State.
- In recent years, the Court of Appeals has written opinions in about 175 cases annually, in addition to deciding approximately 1,200 motions for leave to appeal in civil cases and 2,800 criminal leave applications.

## HOW IS THE FEDERAL COURT SYSTEM STRUCTURED?

- The Federal Court system is a three-tiered court system.
- Cases start in a trial court.
- If a trial court judgment is appealed, the appeal is heard by an intermediate appellate court.
- If the decision of the intermediate trial court is appealed, and that appeal is granted, the appeal is heard by the highest court in the United States, the U.S. Supreme Court

## FEDERAL TRIAL COURTS\*

\*Source: Court Role and Structure, Retrieved July 27, 2018, from <http://www.uscourts.gov/about-federal-courts/court-role-and-structure>

### District Courts

In the federal court system, there are 94 district trial courts called U.S. District Courts across the United States. These courts have jurisdiction over both civil and criminal federal cases. District Court judges have lifetime appointments pursuant to the U.S. Constitution. Magistrate judges assist district judges in preparing cases for trial. They may also conduct trials in misdemeanor cases.

There is at least one district court in each state, and the District of Columbia. Each district also includes a U.S. bankruptcy court as a unit of the district court. Four U.S. territories have U.S. district courts: Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.

There are also two special trial courts: The [Court of International Trade](#) addresses cases involving international trade and customs laws, while the [U.S. Court of Federal Claims](#) deals with most claims for money damages against the U.S. government.

### Bankruptcy Courts

Federal courts have exclusive jurisdiction over bankruptcy cases involving personal, business, or farm bankruptcy. All bankruptcy cases are federal. There are no state bankruptcy courts.

## FEDERAL APPELLATE COURTS\*

\*Source: Court Role and Structure, Retrieved July 27, 2018, from <http://www.uscourts.gov/about-federal-courts/court-role-and-structure>

### U.S. Court of Appeals

There are 13 appellate courts called the U.S. Court of Appeals that sit below the U.S. Supreme Court. The 94 federal judicial districts are organized into 12 regional circuits, each of which has a U.S. Court of Appeals. New York State is in the U.S. Court of Appeals Second Circuit. The Second Circuit also includes the States of Vermont and Connecticut.

The U.S. Court of Appeals hears challenges to district court decisions located within its circuit, as well as appeals from decisions of federal administrative agencies. Appeals are heard by a panel of three judges from a total of 13 available active judges. An appeal heard *en banc* means all available judges heard the appeal. Appellate courts do not use a jury. Any plaintiff or defendant that feels they did not receive justice at their trial has the right to an appeal. The exception is that the prosecution in a criminal case cannot appeal a not guilty verdict or its equivalent because this would create double jeopardy, which is a violation of the U.S. Constitution.

In addition, the Court of Appeals for the Federal Circuit has nationwide jurisdiction to hear appeals in specialized cases such as patent laws, and cases decided by the [U.S. Court of International Trade](#) and the [U.S. Court of Federal Claims](#).

### Bankruptcy Appellate Panels

Bankruptcy Appellate Panels (BAPs) are 3-judge panels authorized to hear appeals of bankruptcy court decisions. BAPs are a unit of the federal courts of appeals established by that circuit. Only five circuits have established BAPs. They are the [First Circuit](#), [Sixth Circuit](#), [Eighth Circuit](#), [Ninth Circuit](#), and [Tenth Circuit](#).

### Article I Courts

The U.S. Congress created several Article I legislative courts that do not have full judicial power. The judicial power of these Article I courts is the authority to be the final decider in all questions of Constitutional law, all questions of federal law, and to hear claims at the core of habeas corpus issues. These Article I Courts are:

#### U.S. Tax Court

The United States Tax Court is a court of record established by Congress under Article I of the [U.S. Constitution](#). When the Commissioner of Internal Revenue has determined a tax deficiency, the taxpayer may dispute the deficiency in the Tax Court before paying any disputed amount. This court also has jurisdiction over other federal tax matters.

#### U.S. Court of Appeals for the Armed Forces

The United States Court of Appeals for the Armed Forces exercises worldwide appellate jurisdiction over members of the armed forces on active duty, and other persons subject to the Uniform Code of Military Justice. The Court is composed of five civilian judges appointed for 15-year terms by the President. Decisions by the Court are subject to direct review by the Supreme Court of the United States.

#### U.S. Court of Appeals for Veterans Claims

The United States Court of Appeals for Veterans Claims has exclusive jurisdiction over decisions of the Board of Veterans Appeals. This court reviews Board decisions appealed by claimants who believe the Board's decision was improper or incorrect.

### United States Supreme Court

The Supreme Court is the highest court in the United States. Article III of the U.S. Constitution created the Supreme Court and authorized Congress to pass laws establishing a system of lower courts. In the federal court system's present form, 94 district level trial courts and 13 courts of appeals sit below the Supreme Court. The U.S. Supreme Court is the final arbiter of federal constitutional questions.

The United States Supreme Court has the absolute discretion to grant an appeal. It does so by granting what is called a writ of certiorari. A writ of certiorari orders a lower court to deliver its record in a case, so the higher court may review it. The U.S. Supreme Court decides to grant a writ of certiorari by the "rule of four". This means that when reviewing the thousands of requests for appeals, at least four of the nine Supreme Court Justices must agree to grant the appeal. The Supreme Court agrees to hear about 100-150 of the more than 7,000 cases that it is asked to review each year.

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