

New York State Court Structure

by Practical Law Litigation

Maintained • New York

A Practice Note outlining the basic structure of the New York State court system. Specifically, this Note provides a brief description of each court's place in the judicial hierarchy, judges, jurisdiction, and procedural rules.

Contents

Appellate Courts

- Court of Appeals
- Appellate Division
- Appellate Term
- County Court

Trial Courts

- Supreme Court
- County Court
- Court of Claims
- Surrogate's Court
- Family Court
- New York City Civil Court
- New York City Criminal Court
- District Courts
- City Courts
- Town and Village Courts

New York's court system is one of the oldest, largest, and most complex in the nation. It can be daunting trying to figure out where to sue or where to take an appeal. This Note outlines the basic structure of the New York court system, with a focus on each court's:

- Place in the judicial hierarchy.
- Judges.
- Jurisdiction.
- Procedural rules.

Appellate Courts

New York has several different appellate-level courts, each with different jurisdictional mandates. These are (in rank order):

- The Court of Appeals.
- The appellate division of the supreme court.
- The appellate term of the supreme court.
- The county courts.

Court of Appeals

New York's highest court is the Court of Appeals, located in the state capital of Albany.

Judges

The Court of Appeals is composed of a chief judge and six associate judges, each appointed to 14-year terms by the governor, with the advice and consent of the senate ([N.Y. Const. art. 6, § 2\(a\)](#) and (e)). Five members of the court constitute a quorum, with the concurrence of four necessary for a decision ([N.Y. Const. art. 6, § 2\(a\)](#)).

Jurisdiction

The court generally only hears appeals from the four appellate divisions ([N.Y. Const. art. 6, § 3\(b\)](#)); see also [CPLR 5601-5602](#)). However, an appeal may sometimes be taken directly to the Court of Appeals from a trial court judgment:

- In death sentence cases ([N.Y. Const. art. 6, § 3\(b\)](#), [N.Y. Crim. Proc. Law §§ 10.10\(2\)](#) and [450.70- 450.80](#)).
- In civil cases presenting certain federal and state constitutional issues ([N.Y. Const. art. 6, § 3\(b\)\(2\)](#), [CPLR 5601\(b\)\(2\)](#) and [N.Y. Jud. Law § 2](#)).
- Where there is an appellate division order from a prior appeal in the same case that necessarily affects the final judgment ([CPLR 5601\(d\)](#) and [5602\(a\)\(1\)\(ii\)](#)).

In addition, the court may answer certified questions of New York law from the US Supreme Court, a federal appeals court, or the highest court in another state ([N.Y. Const. art. 6, § 3\(b\)\(9\)](#)); see also [22 NYCRR 500.27](#)).

The Court of Appeals generally only reviews questions of law. However, it may review questions of law and fact:

- In death sentence cases.
- Where the appellate division, in reversing or modifying a judgment or order in a prior appeal in the same case, found new facts and a final judgment was entered on those facts.

([N.Y. Const. art. 6, § 3\(a\)](#) and [CPLR 5501\(b\)](#).)

Note that the Court of Appeals generally may not review an appellate division order if the appeal to the appellate division was from an order entered by the appellate term or a county court (acting in its appellate capacity) unless either one of the following conditions are met:

- The appeal presents a constitutional issue.
- The appellate division certifies that the Court of Appeals should take the appeal.

([N.Y. Const. art. 6, § 3\(b\)\(7\)](#).)

Further Appellate Review

The US Supreme Court may review a decision of the New York Court of Appeals in certain situations, such as where:

- The validity of a US treaty or statute is challenged.
- A New York state statute is claimed to be unconstitutional.

([28 U.S.C. § 1257\(a\)](#).)

Applicable Procedural Rules

Procedure in the Court of Appeals is governed generally by:

- The New York Civil Practice Law and Rules (CPLR) (mainly Articles 55 and 56) for civil appeals.
- The New York Criminal Procedure Laws (CPL) (mainly Articles 450-470) for criminal appeals.
- The rules of practice of the Court of Appeals ([22 NYCRR §§ 500.1-500.27](#)).

Appellate Division

The appellate division of the supreme court is New York's primary intermediate appellate court. A branch of the appellate division exists for each of New York's four judicial departments:

- The First Department covers the Bronx and Manhattan.
- The Second Department covers Brooklyn, Queens, Staten Island, Nassau, Suffolk, Westchester, Dutchess, Orange, Rockland, and Putnam counties.
- The Third Department mainly covers the central and northern counties of upstate New York.
- The Fourth Department covers the northwestern counties of upstate New York.

([N.Y. Jud. Law §§ 70, 75 and 140](#).)

For a complete listing of the counties covered by each judicial department, see the New York State Unified Court System's [Appellate Divisions](#) webpage and [Checklist, New York Courts by County Chart](#).

Justices

The judges in the appellate division are called justices. They are appointed by the governor from among New York's elected supreme court trial justices ([N.Y. Const. art. 6, § 4\(c\)](#) and [N.Y. Jud. Law § 71](#)). The presiding justice for each appellate division acts in that capacity until her term as a supreme court justice expires ([N.Y. Const. art. 6, § 4\(c\)](#) and [N.Y. Jud. Law § 71](#)). The terms of the associate appellate division justices is five years, or the unexpired portions of their terms as supreme court justices, if less than five years remains ([N.Y. Const. art. 6, § 4\(c\)](#) and [N.Y. Jud. Law § 71](#)).

A panel of the appellate division may consist of no more than five justices ([N.Y. Const. art. 6, § 4\(b\)](#) and [N.Y. Jud. Law § 82](#)). Four justices constitute a quorum, with the concurrence of three necessary for a decision ([N.Y. Const. art. 6, § 4\(b\)](#) and [N.Y. Jud. Law § 82](#)).

Jurisdiction

The appellate division hears appeals from the following courts:

- The appellate terms for the first and second departments ([CPLR 5703\(a\)](#)).
- The supreme court ([CPLR 5701](#)).
- The county court ([CPLR 5701](#); see also [CPLR 5703\(b\)](#) (authorizing review where county court acts in its appellate capacity)). Note that the **appellate term** hears civil appeals from county courts within the second department ([22 NYCRR 730.1\(d\)](#)).
- The Court of Claims ([NY Court of Claims Act 24](#) and [CPLR 5702](#)).
- The surrogate's court (N.Y. Surrogate's Court Procedure Act (NY Surr. Ct. Prac. Act) § 2701(1) and [CPLR 5701](#); see also Practice Commentary C5702:1 to [McKinney's CPLR 5702](#)).
- The family court ([N.Y. Fam. Ct. Act \(NY FCA\) § 1111](#) and [CPLR 5702](#)).

The appellate division reviews questions of law and fact on appeal ([CPLR 5501\(c\)](#)).

The appellate division also has original jurisdiction over certain matters, including:

- Attorney admission and supervision ([N.Y. Jud. Law § 90](#)).
- Article 78 proceedings brought against supreme court justices and county court judges ([CPLR 506\(b\)\(1\)](#)).

Further Appellate Review

Appeals from the appellate division go to the Court of Appeals, the state's highest court ([N.Y. Const. art. 6, § 3\(b\)](#)); see also [CPLR 5601-5602](#)). However, because the Court of Appeals' jurisdiction is fairly limited, most appeals end with the appellate division.

Applicable Procedural Rules

Procedure in the appellate division is governed generally by:

- The CPLR (mainly Articles 55 and 57) for civil appeals.
- The CPL (mainly Articles 450-470) for criminal appeals.
- The rules of practice for each appellate division, specifically:
 - 22 NYCRR Part 600, for the First Department;
 - 22 NYCRR Part 670, for the Second Department;
 - 22 NYCRR Part 800, for the Third Department; and
 - 22 NYCRR Part 1000, for the Fourth Department.

Appellate Term

New York's constitution allows the appellate divisions to designate appellate terms of the supreme court to hear certain appeals ([N.Y. Const. art. 6, § 8\(a\), \(d\), \(e\)](#)). So far, only the appellate divisions for the first and second departments have established appellate terms. Like their appellate division cousins:

- The Appellate Term, First Department covers the Bronx and Manhattan.
- The Appellate Term, Second Department covers Brooklyn, Queens, Staten Island, Nassau, Suffolk, Westchester, Dutchess, Orange, Rockland, and Putnam counties.

Justices

Appellate term justices are designated by the chief administrator of the courts from among New York's elected supreme court justices, with approval of the presiding justice of the relevant appellate division ([N.Y. Const. art. 6, § 8\(a\)](#)). An appellate term panel may consist of no more than three justices ([N.Y. Const. art. 6, § 8\(c\)](#)). Two justices constitute a quorum, and the concurrence of two is necessary for a decision ([N.Y. Const. art. 6, § 8\(c\)](#)). Supreme court justices may (but do not always) preside over their trial parts while serving on the appellate term. Generally, a supreme court justice serves on the appellate term until ordered otherwise by the chief administrator (unless the justice retires, resigns, or loses re-election before that time).

Jurisdiction

The Appellate Term, First Department hears all appeals from the New York City Civil and Criminal Court branches located in the Bronx and Manhattan ([22 NYCRR 640.1](#)).

The Appellate Term, Second Department hears all appeals from the New York City Civil and Criminal Court branches located in Brooklyn, Queens, and Staten Island ([22 NYCRR 730.1\(b\)](#)).

The Appellate Term, Second Department also hears appeals from the following courts located in Nassau, Suffolk, Westchester, Dutchess, Orange, Rockland, and Putnam counties:

- County courts (civil and non-felony appeals).
- District courts.
- City courts.
- Town courts.
- Village courts.

([22 NYCRR § 730.1\(d\)](#).)

The appellate term reviews questions of law and fact on appeal ([CPLR 5501\(d\)](#)).

Further Appellate Review

Appeals from the appellate term generally go to the appellate division for either the first or second departments ([CPLR 5703\(a\)](#)).

Applicable Procedural Rules

Procedure in the Appellate Term, First Department is governed generally by:

- The CPLR, for civil appeals ([CPLR 101](#)).
- The CPL, for criminal appeals.
- The rules of practice for the Appellate Term, First Department ([22 NYCRR §§ 640.1-640.10](#)).

Procedure in the Appellate Term, Second Department is governed generally by:

- The CPLR, for civil appeals ([CPLR 101](#)).
- The CPL, for criminal appeals.
- The rules of practice for the Appellate Term, Second Department ([22 NYCRR §§ 730.1-730.3](#), [731.1-731.11](#), [732.1-732.12](#) and [735.1-735.4](#)).

County Court

While primarily a trial-level court, the county court hears appeals from city, town, and village courts within the third and fourth judicial departments ([Uniform City Court Act \(NY UCCA\) § 1701](#), [Uniform Justice Court Act \(NY UJCA\) § 1701](#), [N.Y. Crim. Proc. Law §§ 10.10\(3\)\(d\)-\(e\)](#) and [450.60\(3\)](#); see also [N.Y. Const. art. 6, § 11\(c\)](#)).

County courts do not hear appeals in the first or second departments because:

- There are no county courts in the first department.
- Appeals in the second department that would normally go to a county court are heard by the appellate term instead ([22 NYCRR § 730.1\(d\)](#)).

Further review of a county court's appellate rulings may be sought from the appellate division for either the third or fourth departments, depending on where the particular county court sits ([CPLR 5703\(b\)](#)).

For more on the county courts, see [Trial Courts: County Court](#).

Trial Courts

New York has several different trial-level courts, each handling different types of cases. New York's trial courts are:

- The supreme court.
- The county courts.
- The Court of Claims.
- The surrogate's court.
- The family court.
- The New York City Civil Court.
- The New York City Criminal Court.
- The district courts.
- The city courts (for cities outside of New York City).
- The town and village justice courts.

Supreme Court

The main trial-level court in New York is the supreme court. While technically a single state-wide court, a branch of the supreme court exists for each county in New York State.

Justices

Judges in the supreme court, called justices, are elected to 14-year terms ([N.Y. Const. art. 6, § 6\(c\)](#)).

Civil Jurisdiction

The supreme court is New York's court of general jurisdiction, meaning it has jurisdiction (in law and equity) to hear virtually any type of case brought before it ([N.Y. Const. art. 6, § 7\(a\)](#) and [N.Y. Jud. Law § 140-b](#)). It is also:

- The only state court in New York with broad power to grant declaratory judgments ([CPLR 3001](#); see also Practice Commentary C3001:20 to [McKinney's CPLR 3001](#)).
- The only court in New York with the power to grant divorces (see *Graves v. Graves*, 675 N.Y.S.2d 843, 846 (Sup. Ct. Rich. Co. 1998)).
- The court where Article 78 proceedings typically must be commenced ([CPLR 7804\(b\)](#)); see also Practice Commentary C7804:2 to [McKinney's CPLR 7804](#)).

While the supreme court has original jurisdiction over most cases, it may remove a case to the appropriate lower court with which it shares jurisdiction ([N.Y. Const. art. 6, § 19](#), [CPLR 325\(d\)](#) and [22 NYCRR § 202.13](#)). For example, the Supreme Court for New York County can send a case seeking \$24,000 in damages to the New York City Civil Court, as the latter court has jurisdiction to hear claims up to \$25,000 ([22 NYCRR § 202.13\(a\)](#) and [New York City Civil Court: Jurisdiction](#)).

Note that the supreme court **does not** have jurisdiction over:

- Claims that are within the exclusive jurisdiction of the federal courts, such as certain bankruptcy matters ([28 U.S.C. § 1334](#)).
- Claims against New York State that are within the exclusive jurisdiction of the Court of Claims (see [Court of Claims: Jurisdiction](#)).

Commercial Division

Several branches of the supreme court have commercial divisions (comprised of elected supreme court justices) dedicated to hearing business-related claims in which damages exceed a certain threshold. The New York State Unified Court System's Commercial Division [website](#) contains a listing of courts with commercial divisions.

Examples of claims that fall within the commercial division's jurisdiction include:

- Breach of contract.
- Shareholder derivative suits.
- Commercial class actions.

([22 NYCRR § 202.70\(b\)](#)); see also [22 NYCRR § 202.70\(c\)](#) (setting out non-commercial claims).)

The monetary threshold that must be satisfied to get into the commercial division varies among the courts, ranging from \$50,000 to \$500,000 ([22 NYCRR § 202.70\(a\)](#)).

The commercial division has its own rules of practice, found in [22 NYCRR § 202.70\(g\)](#). These rules can differ in several respects from the procedural rules governing non-commercial cases. For example, in contrast to non-

commercial cases, filing a motion to dismiss in a commercial division case does not automatically stay discovery (compare [22 NYCRR § 202.70\(g\)](#) (Commercial Division Rules) Rule 11(d) with [CPLR 3214\(b\)](#)).

A party must apply to have its case heard by the commercial division ([22 NYCRR § 202.70\(d\)-\(e\)](#)).

Criminal Jurisdiction

Outside of New York City, the supreme court generally hears civil cases. Criminal cases are typically handled by the county courts and the local criminal courts.

Within New York City, however, the supreme court has exclusive jurisdiction over felony cases ([N.Y. Const. art. 6, § 7\(a\)](#)). Misdemeanors and petty offenses are handled by the New York City Criminal Court ([N.Y. Const. art. 6, § 7\(a\)](#)).

Appeals

Appeals from the supreme court generally go to the appellate division for the judicial department where the court sits ([CPLR 5701](#)). However, an appeal may sometimes be taken directly to the Court of Appeals from a supreme court judgment:

- In death sentence cases ([N.Y. Const. art. 6, § 3\(b\)](#), [N.Y. Crim. Proc. Law §§ 10.10\(2\)\(a\)](#) and 450.70-450.80).
- In civil cases presenting certain constitutional issues ([N.Y. Const. art. 6, § 3\(b\)\(2\)](#), [CPLR 5601\(b\)\(2\)](#) and [N.Y. Jud. Law § 2\(5\)](#)).
- Where the appellate division issued an order in a prior appeal in the same case that necessarily affects the final judgment ([CPLR 5601\(d\)](#) and [5602\(a\)\(1\)\(ii\)](#)).

Applicable Procedural Rules

Civil procedure in the supreme court is governed generally by:

- The CPLR ([CPLR 101](#) and [22 NYCRR § 202.1\(d\)](#)).
- The Uniform Civil Rules for the Supreme Court and the County Court ([22 NYCRR §§ 202.1-202.70](#)). The commercial division's rules appear under [22 NYCRR § 202.70\(g\)](#).

Criminal procedure in the supreme court is governed generally by:

- The CPL ([N.Y. Crim. Proc. Law § 1.10](#)).
- The Uniform Rules for Courts Exercising Criminal Jurisdiction ([22 NYCRR §§ 200.1-200.40](#)).

In addition, counsel should check whether:

- The specific branch of the supreme court has any particular local rules or practices (for commercial and non-commercial cases).
- The assigned justice has any individual practice rules.

County Court

A county court exists for each county outside New York City ([N.Y. Const. art. 6, § 10\(a\)](#)).

Judges

County court judges are elected to ten-year terms ([N.Y. Const. art. 6, § 10\(a\)-\(b\)](#)).

Civil Jurisdiction

The county courts have jurisdiction over a variety of civil matters, mainly consisting of:

- Money actions for up to \$25,000, exclusive of interest and costs ([N.Y. Const. art. 6, § 11\(a\)](#) and [N.Y. Jud. Law § 190\(3\)](#)).
- Actions seeking the recovery of personal property, where the value of the property does not exceed \$25,000 ([N.Y. Const. art. 6, § 11\(a\)](#) and [N.Y. Jud. Law § 190\(3\)](#)).
- Certain actions concerning real property located within the county ([N.Y. Jud. Law § 190\(1\)](#)).
- Summary proceedings to recover possession of real property and to remove tenants therefrom ([N.Y. Const. art. 6, § 11\(a\)](#)).

While a county court's civil jurisdiction is generally capped at \$25,000, its jurisdiction to hear counterclaims for the recovery of money is not ([N.Y. Const. art. 6, § 11\(b\)](#)).

Geographic Limitations

A county court's jurisdiction over money actions is subject to certain geographic limitations. Specifically, at the time the action was commenced, the defendant(s) must either:

- Reside in the county.
- Have an office for the transaction of business in the county or be a foreign corporation doing business in the county. In this situation, the claim must also arise in the county.

([N.Y. Jud. Law § 190\(3\)](#).)

Criminal Jurisdiction

County courts generally have trial jurisdiction over:

- Felonies.
- Misdemeanors, concurrent with the lower criminal courts.
- Petty offenses, but only when the offense is charged in an indictment which also charges a crime.

([N.Y. Const. art. 6, § 11\(a\)](#) and [N.Y. Crim. Proc. Law §§ 10.10\(2\)\(b\)](#) and [10.20\(1\)](#).)

County courts also have preliminary jurisdiction over all offenses and can conduct arraignments and issue arrest and search warrants ([N.Y. Crim. Proc. Law § 10.20\(2\)-\(3\)](#)).

Appeals

Civil appeals from county courts in the:

- Third and fourth departments generally go to the appellate division ([CPLR 5701](#)).
- Second department generally go to the appellate term ([22 NYCRR § 730.1\(d\)](#)).

Criminal appeals from the county courts generally go to the appellate division ([N.Y. Crim. Proc. Law § 450.60\(2\)](#)); see also [22 NYCRR § 730.1\(d\)](#) (Appellate Term, Second Department has no jurisdiction over criminal appeals from the county courts)).

However, an appeal may sometimes be taken directly to the Court of Appeals from a county court judgment:

- In death sentence cases ([N.Y. Const. art. 6, § 3\(b\)](#), [N.Y. Crim. Proc. Law § 10.10\(2\)\(b\)](#) and [N.Y. Crim. Proc. Law §§ 450.70-450.80](#)).
- In civil cases presenting certain constitutional issues ([N.Y. Const. art. 6, § 3\(b\)\(2\)](#), [CPLR 5601\(b\)\(2\)](#) and [N.Y. Jud. Law § 2\(7\)](#)).
- Where the appellate division issued an order in a prior appeal in the same case that necessarily affects the final judgment ([CPLR 5601\(d\)](#) and [5602\(a\)\(1\)\(ii\)](#)).

County courts also serve as appellate courts for city, town, and village courts in the third and fourth departments (see [Appellate Courts: County Court](#)).

Applicable Procedural Rules

Civil procedure in the county courts is governed generally by:

- The CPLR ([CPLR 101](#) and [22 NYCRR § 202.1\(d\)](#)).
- The Uniform Civil Rules for the Supreme Court and the County Court ([22 NYCRR §§ 202.1-202.70](#)).

Criminal procedure in the county courts is governed generally by:

- The CPL ([N.Y. Crim. Proc. Law § 1.10](#)).
- The Uniform Rules for Courts Exercising Criminal Jurisdiction ([22 NYCRR §§ 200.1-200.40](#)).

In addition, counsel should check whether:

- The specific county court has any particular local rules or practices.
- The assigned judge has any individual practice rules.

Court of Claims

A statewide Court of Claims exists in New York to hear certain actions involving the state ([N.Y. Const. art. 6, § 9](#)). Although it is a single court, the Court of Claims is divided into eight districts ([22 NYCRR § 206.4](#)).

Judges

Court of Claims judges are appointed by the governor, with the advice and consent of the state senate, for nine-year terms (N.Y. Const. art. 6, § 9 and NY Court of Claims Act (NY Ct. Claims Act) 2(2)-(3)).

Jurisdiction

The Court of Claims has exclusive jurisdiction over certain types of actions seeking damages against the State of New York, including claims for appropriation, breach of contract, and tort (NY Ct. Claims Act 9; see also NY Ct. Claims Act 8, 8-a and 8-b (state's waiver of immunity) and *Baisley v. Town of Kent, County of Putnam*, 489 N.Y.S.2d 539, 541 (2d Dep't 1985) (Court of Claims' jurisdiction exclusive)). In addition to having jurisdiction over claims against the state, the Court of Claims also has jurisdiction over claims against certain state agencies and state officers acting in their official capacities (see *Morell v. Balasubramanian*, 520 N.Y.S.2d 530, 531-32 (1987) and *Baisley*, 489 N.Y.S.2d at 541). The Court of Claims also has jurisdiction over counterclaims asserted by the state against a claimant (N.Y. Const. art. 6, § 9 and NY Ct. Claims Act 9(3)-(4)).

Importantly, the Court of Claims **does not** have jurisdiction over actions brought against municipalities or state employees sued in their individual capacities (see *Morell*, 520 N.Y.S.2d at 531-32 (state employees sued in individual capacity) and *Alexander v. New York*, 2005 WL 1723864, at *2 (NY Ct. Claims June 1, 2005), *aff'd* 809 N.Y.S.2d 910 (1st Dep't 2006) (municipality)). A suit filed against the state and a non-state defendant must therefore be brought in two separate courts: the suit against the state must be filed in the Court of Claims, and the suit against the non-state defendant must be filed in the supreme court or other trial court having jurisdiction over the dispute (see *Baisley*, 489 N.Y.S.2d at 541).

Equitable Powers

The Court of Claims does not have jurisdiction to grant strictly equitable relief, although it may grant incidental equitable relief in determining claims for money damages (see *Ozanam Hall of Queens Nursing Home Inc. v. State*, 661 N.Y.S.2d 54, 55-56 (3d Dep't 1997); see also NY Ct. Claims Act 9(9-a) (setting out limited authority to grant declaratory relief)).

Limitations Period

The Court of Claims Act sets the time period within which a claimant must either file suit or notify the state of its intention to sue (NY Ct. Claims Act 10). In certain cases, the claimant must either file suit or notify the state of its intention to sue within 90 days after the claim accrues (NY Ct. Claims Act 10(3)-(3.b)). Failure to comply with the applicable deadlines may result in dismissal (see *Alston v. State*, 737 N.Y.S.2d 45, 46-48 (2001)).

Appeals

Appeals from the Court of Claims generally go to the appellate division for the judicial department in which the claim arose (NY Ct. Claims Act 24).

However, an appeal may sometimes be taken directly to the Court of Appeals from a Court of Claims judgment:

- That presents certain constitutional issues (N.Y. Const. art. 6, § 3(b)(2), CPLR 5601(b)(2) and N.Y. Jud. Law § 2(6)).

- Where the appellate division issued an order in a prior appeal in the same case that necessarily affects the final judgment ([CPLR 5601\(d\)](#) and [5602\(a\)\(1\)\(ii\)](#)).

Applicable Procedural Rules

Procedure in the Court of Claims is governed generally by:

- The Court of Claims Act.
- The Uniform Rules for the Court of Claims ([22 NYCRR §§ 206.1-206.25](#)).
- The CPLR ([NY Ct. Claims Act 9\(9\)](#) and [CPLR 101](#)).

Counsel should also check whether the assigned judge has any individual practice rules.

Surrogate's Court

Each county in New York has a surrogate's court ([N.Y. Const. art. 6, § 12\(a\)](#)).

Judges

Judges in the surrogate's court are called surrogates, who, in New York City, are elected to 14-year terms ([N.Y. Const. art. 6, § 12\(b\)-\(c\)](#)). Surrogates outside of New York City are elected to ten-year terms ([N.Y. Const. art. 6, § 12\(b\)-\(c\)](#)).

Jurisdiction

The surrogate's court has jurisdiction over cases involving the affairs of decedents, including the probate of wills and the administration of estates ([N.Y. Const. art. 6, § 12\(d\)](#) and [N.Y. Surr. Ct. Proc. Act §201](#)). It also has concurrent jurisdiction with the family court over adoptions ([NY FCA §641](#)).

A surrogate's court proceeding generally must either be brought in the county where:

- The decedent was domiciled at the time of her death ([N.Y. Surr. Ct. Proc. Act §205\(1\)](#)).
- A non-domiciliary decedent's property is located ([N.Y. Surr. Ct. Proc. Act §206\(1\)](#)).

The surrogate's court has full equitable powers with respect to matters within its jurisdiction ([N.Y. Const. art. 6, § 12\(e\)](#) and [N.Y. Surr. Ct. Proc. Act §201\(2\)-\(3\)](#)).

Appeals

Appeals from the surrogate's court generally go to the appellate division for the judicial department where the surrogate's court is located ([N.Y. Surr. Ct. Proc. Act §2701\(1\)](#) and [CPLR 5701](#); see also Practice Commentary C5702:1 to [McKinney's CPLR 5702](#)).

However, an appeal may sometimes be taken directly to the Court of Appeals from a surrogate's court judgment:

- That presents certain constitutional issues ([N.Y. Const. art. 6, § 3\(b\)\(2\)](#), [CPLR 5601\(b\)\(2\)](#) and [N.Y. Jud. Law § 2\(9\)](#)).
- Where the appellate division issued an order in a prior appeal in the same case that necessarily affects the final judgment ([CPLR 5601\(d\)](#) and [5602\(a\)\(1\)\(ii\)](#)).

Applicable Procedural Rules

Procedure in the surrogate's court is governed generally by:

- The Surrogate's Court Procedure Act.
- The Uniform Rules for the Surrogate's Court ([22 NYCRR §§ 207.1-207.63](#)).
- The CPLR ([N.Y. Surr. Ct. Proc. Act 102](#) and [CPLR 101](#)).

In addition, counsel should check whether:

- The specific surrogate's court has any particular local rules or practices.
- The surrogate presiding over the matter has any individual practice rules.

Family Court

Each county in New York has a family court ([NY FCA 113](#)).

Judges

Family court judges in New York City are appointed to ten-year terms by the mayor of New York City ([N.Y. Const. art. 6, § 13\(a\)](#) and [NY FCA 123](#)). Family court judges outside of New York City are elected to ten-year terms ([N.Y. Const. art. 6, § 13\(a\)](#) and [NY FCA 135](#)).

Jurisdiction

The family court's jurisdiction is set out in the New York constitution and the FCA ([N.Y. Const. art. 6, § 13](#) and [NY FCA 115](#)). The family court generally has **exclusive** jurisdiction over:

- Abuse and neglect proceedings.
- Support proceedings.
- Paternity proceedings.
- Guardianship and custody proceedings.
- Supervision proceedings.
- Juvenile delinquency proceedings.

([NY FCA 115\(a\)](#); see also [N.Y. Const. art. 6, § 13\(b\)](#).)

The family court has **concurrent** jurisdiction with:

- The surrogate's court over adoption proceedings ([NY FCA 641](#)).

- The criminal courts over certain family-related offenses ([NY FCA 115\(e\)](#) , [812](#) and [CPL § 530.11\(1\)](#)); see also [Mabel R. v. Rayshawn D.](#), [933 N.Y.S.2d 529](#), [531 n. 1](#) (Fam. Ct. Queens Co. 2011)).

Note that the supreme court has exclusive jurisdiction over divorce proceedings (see [Graves](#), [675 N.Y.S.2d at 846](#)). The supreme court, however, may refer to the family court certain matters relating to divorce proceedings, including custody and maintenance ([N.Y. Const. art. 6, § 13\(c\)](#) and [NY FCA 115\(b\)](#)).

Appeals

Appeals from the family court generally go to the appellate division for the judicial department where the family court is located ([NY FCA 1111](#)).

However, an appeal may sometimes be taken directly to the Court of Appeals from a family court judgment:

- That presents certain constitutional issues ([N.Y. Const. art. 6, § 3\(b\)\(2\)](#), [CPLR 5601\(b\)\(2\)](#) and [N.Y. Jud. Law § 2\(8\)](#)).
- Where the appellate division issued an order in a prior appeal in the same case that necessarily affects the final judgment ([CPLR 5601\(d\)](#) and [5602\(a\)\(1\)\(ii\)](#)).

Applicable Procedural Rules

Procedure in the family court is governed generally by:

- The FCA ([NY FCA 112](#)).
- The Uniform Rules for the Family Court ([22 NYCRR §§ 205.1-205.86](#)).
- The CPLR ([NY FCA 165\(a\)](#), [CPLR 101](#) and [22 NYCRR § 205.1\(d\)](#)).

Certain issues in family court cases may also be governed by the CPL ([NY FCA 303.1](#); see also Practice Commentary to [McKinney's FCA 303.1](#)).

In addition, counsel should check whether:

- The specific branch of the family court has any particular local rules or practices.
- The assigned judge has any individual practice rules.

New York City Civil Court

A branch of the New York City Civil Court (civil court) exists for each of New York City's five boroughs ([22 NYCRR § 208.2\(a\)](#); see also [N.Y. Const. art. 6, § 15\(a\)](#) and [New York City Civil Court Act \(NY CCA\) 102](#) (establishing single city-wide civil court)).

Judges

Civil court judges are elected to ten-year terms ([N.Y. Const. art. 6, § 15\(a\)](#)).

Jurisdiction

The civil court generally has jurisdiction over:

- Actions for the recovery of money or personal property where the amount sought (or the value of the property) does not exceed \$25,000, exclusive of interest and costs ([N.Y. Const. art. 6, § 15\(b\)](#), [NY CCA 201](#) and [202](#)). The civil court also has jurisdiction over actions for the foreclosure of certain liens within this \$25,000 limit ([N.Y. Const. art. 6, § 15\(b\)](#), [NY CCA 201](#) and [202](#)).
- Certain actions involving real property located within the borough where the action is brought ([NY CCA 203](#)). Most private actions involving real property are subject to the court's \$25,000 cap ([NY CCA 203](#)).
- Summary proceedings to recover possession of real property located within New York City, to remove tenants therefrom and to render judgment for rent due without regard to amount ([N.Y. Const. art. 6, § 15\(b\)](#) and [NY CCA 204](#)). The civil court has a housing part which handles landlord-tenant and other housing disputes ([NY CCA 110](#)).
- Interpleader actions, provided the amount in controversy (or the value of the property involved) does not exceed \$25,000, exclusive of interest and costs ([NY CCA 201](#) and [205](#)).

The civil court may also exercise jurisdiction over certain counterclaims ([NY CCA 208](#)). Note that counterclaims seeking money only are not subject to the \$25,000 limit ([N.Y. Const. art. 6, § 15\(b\)](#) and [NY CCA 208\(b\)](#)).

Equitable Powers

The civil court's fairly limited equitable jurisdiction is set out in various sections of the CCA. For example:

- Sections 209 and 801 cover the court's general power to grant provisional remedies such as injunctions and restraining orders.
- [Sections 110](#) and [203](#) cover the court's power to fashion equitable relief in certain real property and housing actions.
- [Sections 208](#) and [213](#) cover the court's power to rescind and reform certain contracts.
- Section 212-a covers the court's power to enter declaratory judgments in certain cases.

Small Claims

The civil court has jurisdiction over small claims ([NY CCA 207](#)). Small claims generally involve actions for money up to \$5,000, exclusive of interest and costs ([NY CCA 1801](#)). The defendant in a small claims suit must either reside or work in New York City ([NY CCA 1801](#)). Article 18 of the CCA and [22 NYCRR § 208.41](#) provide relatively simple and informal procedures for litigating small claims in civil court.

Commercial Claims

Corporations and other organizations generally cannot bring small claims actions in civil court under Article 18, although they may be sued as defendants in small claims actions ([NY CCA 1809](#)). However, corporations and other organizations with their principal office in New York City can bring commercial claims in civil court ([NY CCA 1809-A\(a\)](#)). Like a traditional small claim, a commercial claim is limited to \$5,000, exclusive of interest and costs ([NY CCA 1801-A\(a\)](#)). The defendant in a commercial claims suit generally must either reside or work in New York City

([NY CCA 1801-A\(a\)](#)). Article 18-A of the CCA and [22 NYCRR § 208.41-a](#), provide relatively simple and informal procedures for litigating commercial claims in civil court.

Arbitration

Claims for less than \$10,000 (except those in the small claims part) may be referred to mandatory arbitration ([CPLR 3405](#) and [22 NYCRR § 28.2\(b\)](#)). Counsel should check with the particular civil court branch to determine whether it has implemented a mandatory arbitration program.

The parties may also agree to arbitrate a small claim before a court-appointed arbitrator ([22 NYCRR §§ 208.41\(n\)](#) and [208.41-a\(n\)](#)).

Appeals

Civil court appeals generally go to the appellate term for either the first or second department ([NY CCA 1701](#) and [22 NYCRR § 640.1](#) (First Department) and [22 NYCRR § 730.1\(b\)\(1\)](#) (Second Department)).

However, an appeal may sometimes be taken directly to the Court of Appeals from a civil court judgment that presents certain constitutional issues ([NY CCA 1707](#); see also [N.Y. Const. art. 6, § 3\(b\)\(2\)](#) and (7), [CPLR 5601\(b\)\(2\)](#) and (d), [N.Y. Jud. Law § 2\(12\)](#) and Practice Commentary C5601:4 to [McKinney's CPLR 5601](#)).

Applicable Procedural Rules

Procedure in civil court is governed generally by:

- The CCA.
- The Uniform Civil Rules for the New York City Civil Court ([22 NYCRR §§ 208.1-208.43](#)).
- The CPLR ([NY CCA 2102](#) and [CPLR 101](#)).

In addition, counsel should check whether:

- The specific branch of the civil court has any particular local rules or practices.
- The assigned judge has any individual practice rules.

New York City Criminal Court

A branch of the New York City Criminal Court (criminal court) exists for each of New York City's five boroughs ([N.Y. Const. art. 6, §15\(a\)](#) and [New York City Criminal Court Act \(NYC Crim. Ct. Act\) 20](#) (establishing single city-wide criminal court)).

Judges

Criminal court judges are appointed to ten-year terms by the mayor of the City of New York ([N.Y. Const. art. 6, § 15\(a\)](#) and [NYC Crim. Ct. Act 22\(2\)](#)).

Jurisdiction

The criminal court generally has trial jurisdiction over misdemeanors and petty offenses committed within the City of New York ([NYC Crim. Ct. Act 31](#) and [N.Y. Crim. Proc. Law §§ 10.10\(3\)\(b\)](#) and [10.30\(1\)](#)). It also has preliminary jurisdiction over felonies ([N.Y. Crim. Proc. Law §§ 1.20\(25\)](#), [10.10\(3\)\(b\)](#) and [10.30\(2\)](#)).

Appeals

Appeals from the criminal court generally go to the appellate term for either the first or second department ([22 NYCRR § 640.1](#) (First Department) and [22 NYCRR § 730.1\(b\)\(2\)](#) (Second Department); see also [N.Y. Crim. Proc. Law § 450.60\(4\)](#)).

Applicable Procedural Rules

Procedure in the criminal court is governed generally by:

- The New York City Criminal Court Act.
- The CPL ([NYC Crim. Ct. Act 41\(1\)](#)).
- The Uniform Rules for Courts Exercising Criminal Jurisdiction ([22 NYCRR §§ 200.1-200.40](#)).

In addition, counsel should check whether:

- The specific branch of the criminal court has any particular local rules or practices.
- The assigned judge has any individual practice rules

District Courts

District courts (not to be confused with federal district courts) have been established for Nassau County and parts of Suffolk County ([N.Y. Const. art 6, § 16\(a\)](#) and [22 NYCRR § 212.2](#) (setting out towns and cities within each district)).

Judges

District court judges are elected to six-year terms ([N.Y. Const. art. 6, § 16\(h\)](#) and [Uniform District Court Act \(NY UDCA\) § 103\(a\)-\(b\)](#)).

Civil Jurisdiction

District courts generally have civil jurisdiction over:

- Actions for the recovery of money or personal property where the amount sought (or the value of the property) does not exceed \$15,000, exclusive of interest and costs ([N.Y. Const. art. 6, § 16\(d\)](#), [NY UDCA 201](#) and [202](#)). District courts also have jurisdiction over actions for the foreclosure of certain liens within this \$15,000 limit ([N.Y. Const. art. 6, § 16\(d\)](#), [NY UDCA 201](#) and [202](#)).
- Certain actions involving real property located within the court's geographic jurisdiction ([NY UDCA 203](#)).

- Summary proceedings to recover possession of real property located within the court's geographic jurisdiction, to remove tenants therefrom, and to render judgment for rent due without regard to amount ([NY UDCA 204](#)).
- Interpleader actions, provided the amount in controversy (or the value of the property involved) does not exceed \$15,000, exclusive of interest and costs ([NY UDCA 201](#) and [205](#)).

District courts may also exercise jurisdiction over counterclaims ([NY UDCA 208](#)). Note that counterclaims seeking money only are not subject to the \$15,000 limit ([NY UDCA 208\(b\)](#)).

Equitable Powers

The district court's fairly limited equitable jurisdiction is set out in various sections of the UDCA. For example:

- Sections 209 and 801 cover the court's general power to grant provisional remedies such as injunctions and restraining orders.
- [Section 203](#) covers the court's power to fashion equitable relief in certain real property actions.
- [Section 208](#) covers the court's jurisdiction over counterclaims for the rescission or reformation of certain contracts.
- Section 212-a covers the court's power to enter declaratory judgments in certain fee disputes.

Small Claims

District courts have jurisdiction over small claims ([NY UDCA 207](#)). Small claims are generally money actions in which the claimant seeks up to \$5,000, exclusive of interest and costs ([NY UDCA 1801](#)). The defendant in a small claims suit must either reside or work within a district in the county where the court is located ([NY UDCA 1801](#)). Article 18 of the UDCA and [22 NYCRR § 212.41](#) provide relatively simple and informal procedures for litigating small claims in the district courts.

Commercial Claims

Corporations and other organizations generally cannot bring small claims actions in district court under Article 18, although they may be sued as defendants in small claims actions ([NY UDCA 1809](#)). However, corporations and other organizations with their principal place of business in New York can bring commercial claims in district court ([NY UDCA 1809-A\(a\)](#)). Like a traditional small claim, a commercial claim is limited to \$5,000, exclusive of interest and costs ([NY UDCA 1801-A\(a\)](#)). The defendant in a commercial claims suit generally must either reside or work within a district in the county where the court is located ([NY UDCA 1801-A\(a\)](#)). Article 18-A of the UDCA and [22 NYCRR § 212.41-a](#) provide relatively simple and informal procedures for litigating commercial claims in district court.

Arbitration

Claims for less than \$6,000 (except those pending in the small claims part) may be referred to mandatory arbitration ([CPLR 3405](#) and [22 NYCRR § 28.2\(b\)](#); see also [22 NYCRR §§ 212.41\(n\)](#) and [212.41-a\(n\)](#)). Counsel should check with the court to determine whether it has implemented a mandatory arbitration program.

Criminal Jurisdiction

District courts generally have trial jurisdiction over petty offenses and misdemeanors ([NY UDCA 2001\(1\)](#), [N.Y. Crim. Proc. Law §§ 10.10\(3\)\(a\)](#) and [10.30\(1\)](#)). They also have preliminary jurisdiction over felonies ([NY UDCA 2001\(1\)](#), [N.Y. Crim. Proc. Law §§ 1.20\(25\)](#), [10.10\(3\)\(a\)](#) and [10.30\(2\)](#)).

Appeals

District court appeals generally go to the Appellate Term, Second Department ([NY UDCA 1701](#) and [22 NYCRR § 730.1\(d\)](#)); see also [N.Y. Const. art. 6, § 8\(e\)](#)). However, an appeal may sometimes be taken directly to the Court of Appeals from a district court judgment that presents certain constitutional issues ([N.Y. Const. art. 6, § 3\(b\)\(2\)](#) and (7), [CPLR 5601\(b\)\(2\)](#) and (d) and [N.Y. Jud. Law § 2\(11\)](#)); see also Practice Commentary C5601:4 to [McKinney's CPLR 5601](#)).

Applicable Procedural Rules

Civil procedure in the district courts is governed generally by:

- The UDCA ([NY UDCA 102](#)).
- The Uniform Civil Rules for the District Courts ([22 NYCRR §§ 212.1-212.415](#)).
- The CPLR ([NY UDCA 2102](#) and [CPLR 101](#)).

Criminal procedure in the district courts is governed generally by:

- Article 20 of the UDCA
- The CPL ([NY UDCA 2001\(2\)](#)).
- The Uniform Rules for Courts Exercising Criminal Jurisdiction ([22 NYCRR §§ 200.1-200.40](#)).

In addition, counsel should check whether:

- The district court has any particular local rules or practices.
- The assigned judge has any individual practice rules.

City Courts

Each city outside of New York City has its own city court ([NY UCCA 2104\(d\)](#)).

Judges

City court judges may serve either full-time or part-time. Full-time judges serve ten-year terms ([NY UCCA 2104\(b\)\(3\)](#)). Part-time judges serve six-year terms ([NY UCCA 2104\(b\)\(3\)](#)).

Depending on the jurisdiction, city court judges may be elected or appointed ([NY UCCA 2104\(e\)](#)).

Civil Jurisdiction

City courts generally have civil jurisdiction over:

- Actions for the recovery of money or personal property where the amount sought (or the value of the property) does not exceed \$15,000, exclusive of interest and costs (NY UCCA 201 and 202). City courts also have jurisdiction over actions for the foreclosure of liens on personal property within this \$15,000 limit (NY UCCA 201 and 202).
- Certain actions involving real property located within the city (NY UCCA 203).
- Summary proceedings to recover possession of real property located within the city, to remove tenants therefrom, and to render judgment for rent due without regard to amount (NY UCCA 204).
- Interpleader actions, provided the amount in controversy (or the value of the property involved) does not exceed \$15,000, exclusive of interest and costs (NY UCCA 201 and 205).

City courts may also exercise jurisdiction over counterclaims (NY UCCA 208). Note that counterclaims seeking money only are not subject to the \$15,000 limit (NY UCCA 208(b)).

Equitable Powers

The city court's fairly limited equitable jurisdiction is set out in various sections of the UCCA. For example:

- Sections 209 and 801 cover the court's general power to grant provisional remedies such as injunctions and restraining orders.
- Section 203 covers the court's power to fashion equitable relief in certain real property actions.
- Section 208 covers the court's jurisdiction over counterclaims for the rescission or reformation of certain contracts.
- Section 212-a covers the court's power to enter declaratory judgments in certain fee disputes.

Geographic Limitations

Civil actions seeking the recovery of money or personal property (or the foreclosure of liens on personal property) generally may only be filed in city court if the plaintiff or defendant lives or works in the city (NY UCCA 213(a)). A corporation (or other organization) is deemed a resident of the city if it has an office or agency or regularly transacts business in the city (NY UCCA 213(b)). The geographic limitations are not jurisdictional. They may be waived by the parties (NY UCCA 213(d)). The UCCA also exempts certain actions from these limitations (NY UCCA 213(c)).

Small Claims

City courts have jurisdiction over small claims (NY UCCA 207). Small claims are generally money actions in which the claimant seeks up to \$5,000, exclusive of interest and costs (NY UCCA 1801). The defendant in a small claims suit must either reside or work in the county where the city court is located (NY UCCA 1801). Article 18 of the UCCA and 22 NYCRR § 210.41 provide relatively simple and informal procedures for litigating small claims in the city courts.

Commercial Claims

Corporations and other organizations generally cannot bring small claims actions in city court under Article 18, although they may be sued as defendants in small claims actions (NY UCCA 1809). However, corporations and other organizations with their principal office in New York can bring commercial claims in a city court (NY UCCA 1809-A(a)). Like a traditional small claim, a commercial claim is limited to \$5,000, exclusive of interest and costs (NY UCCA 1801-A(a)). The defendant in a commercial claims suit must either reside or work in the county where the city

court is located ([NY UCCA 1801-A\(a\)](#)). Article 18-A of the UCCA and [22 NYCRR § 210.41-a](#) provide relatively simple and informal procedures for litigating commercial claims in city court.

Arbitration

Claims for less than \$6,000 (except those pending in the small claims part) may be referred to mandatory arbitration ([CPLR 3405](#) and [22 NYCRR § 28.2\(b\)](#); see also [22 NYCRR §§ 210.41\(n\)](#) and [210.41-a\(n\)](#)). Counsel should check with the court to determine whether it has implemented a mandatory arbitration program.

Criminal Jurisdiction

City courts generally have trial jurisdiction over petty offenses and misdemeanors ([NY UCCA 2001\(1\)](#) and [N.Y. Crim. Proc. Law §§ 10.10\(3\)\(c\)](#) and [10.30\(1\)](#)). They also have preliminary jurisdiction over felonies ([NY UCCA 2001\(1\)](#) and [N.Y. Crim. Proc. Law §§ 1.20\(25\)](#), [10.10\(3\)\(c\)](#) and [10.30\(2\)](#)).

Appeals

Appeals from the city courts are generally taken to:

- The appellate term, for city courts within the second department ([NY UCCA 1701](#) and [22 NYCRR § 730.1\(d\)](#); see also [N.Y. Const. art. 6, §§ 8\(e\)](#), [11\(c\)](#), [N.Y. Crim. Proc. Law §§ 10.10\(3\)\(c\)](#) and [450.60\(3\)](#)).
- The county court, for city courts within the third and fourth departments ([NY UCCA 1701](#); see also [N.Y. Const. art. 6, § 11\(c\)](#), [N.Y. Crim. Proc. Law §§ 10.10\(3\)\(c\)](#) and [450.60\(3\)](#)).

However, an appeal may sometimes be taken directly to the Court of Appeals from a city court judgment that presents certain constitutional issues ([N.Y. Const. art. 6, § 3\(b\)\(2\)](#) and (7), [CPLR 5601\(b\)\(2\)](#) and (d) and [N.Y. Jud. Law § 2\(10\)](#); see also Practice Commentary C5601:4 to [McKinney's CPLR 5601](#)).

Applicable Procedural Rules

Civil procedure in the city courts is governed generally by:

- The UCCA ([NY UCCA 102](#) and [2300\(b\)](#)).
- The Uniform Civil Rules for the City Courts outside the City of New York ([22 NYCRR §§ 210.1-210.415](#)).
- The CPLR ([NY UCCA 2102](#) and [CPLR 101](#)).

Criminal procedure in the city courts is governed generally by:

- Article 20 of the UCCA.
- The N.Y. Criminal Procedure Law ([NY UCCA 2001\(2\)](#)).
- The Uniform Rules for Courts Exercising Criminal Jurisdiction ([22 NYCRR §§ 200.1-200.40](#)).

In addition, counsel should check whether:

- The particular city court has any local rules or practices.
- The judge has any individual practice rules.

Town and Village Courts

New York has about 1,300 town and village courts (collectively, justice courts). All are located outside of New York City.

Justices

Judges in the town and village courts are called justices ([NY UJCA 103](#)). Town and village court justices are elected to four-year terms ([N.Y. Const. art. 6, § 17\(d\)](#) (town court justices) and [N.Y. Village Law § 3-302\(3\)](#) (village court justices); see also Morris et al., [Village, Town and District Courts in New York §§ 1:10 and 1:14](#)). Town and village court justices are not required to be lawyers ([N.Y. Const. art. 6, § 20\(a\)](#) and (c); see also Morris et al., [Village, Town and District Courts in New York § 1:5](#)).

Civil Jurisdiction

Justice courts generally have civil jurisdiction over:

- Actions seeking the recovery of money or personal property where the amount sought (or the value of the property) does not exceed \$3,000, exclusive of interest and costs ([NY UJCA 201\(a\)](#) and [202](#)).
- Summary proceedings to recover possession of real property located within the municipality, to remove tenants therefrom, and to render judgment for rent due without regard to amount ([NY UJCA 204](#)).

Justice courts may also exercise jurisdiction over counterclaims ([NY UJCA 208](#)). Counterclaims for money only are subject to the court's \$3,000 jurisdictional limit ([NY UJCA 208](#)).

Town and village courts have concurrent jurisdiction over civil actions arising within a village ([NY UJCA 201\(b\)](#)).

There are no town courts in Nassau County or the western part of Suffolk County (see Morris et al., [Village, Town and District Courts in New York § 1:12](#)). While there are village courts in these areas, their civil jurisdiction has been usurped by the district courts ([NY UJCA 2300\(d\)\(2\)](#); see also Morris et al., [Village, Town and District Courts in New York § 1:31](#)).

Equitable Powers

A justice court's equitable powers are generally limited to ordering the seizure of personal property located within the county where the court sits ([NY UJCA 209](#) and [801](#); see also Practice Commentary to McKinney's [UJCA 209](#)).

Geographic Limitations

Civil actions seeking the recovery of money or personal property generally may only be filed in a justice court if the plaintiff or defendant lives or works in the municipality encompassing the court ([NY UJCA 213\(a\)](#)). A corporation (or other organization) is deemed a resident of the municipality if it has an office or agency or regularly transacts business in the municipality ([NY UJCA 213\(b\)](#)). The geographic limitations are not jurisdictional. They may be waived by the parties ([NY UJCA 213\(d\)](#)). The UJCA also exempts certain actions from these geographic limitations ([NY UJCA 213\(c\)](#)).

Small Claims

Justice courts have jurisdiction over small claims. Small claims are generally money actions in which the claimant seeks up to \$3,000, exclusive of interest and costs (NY UJCA 1801). Because a justice court's monetary jurisdiction cannot exceed \$3,000, suits seeking money damages in the justice courts typically also qualify as small claims. The defendant in a small claims suit must either reside or work in the municipality where the court is located (NY UJCA 1801). Article 18 of the UJCA and 22 NYCRR § 214.10 provide relatively simple and informal procedures for litigating small claims in the justice courts.

Corporations and other organizations generally cannot bring small claims actions in a justice court, although they may be sued as defendants in small claims actions (NY UJCA 1809). In contrast to the rules for the district courts, city courts and New York City Civil Court, the UJCA does not provide for commercial claims actions in the justice courts.

Criminal Jurisdiction

Justice courts generally have trial jurisdiction over petty offenses and misdemeanors (NY UJCA 2001(1), N.Y. Crim. Proc. Law §§ 10.10(3)(d)-(e) and 10.30(1)). They also have preliminary jurisdiction over felonies (NY UJCA 2001(1) and N.Y. Crim. Proc. Law §§ 1.20(25), 10.10(3)(d)-(e) and 10.30(2)).

There are no town courts in Nassau County or the western part of Suffolk County (see Morris et al., [Village, Town and District Courts in New York § 1:12](#)). However, there are village courts in these areas. Village courts in Nassau County (but not Suffolk County) have narrower criminal jurisdiction than village courts in other parts of the state (see Morris et al., [Village, Town and District Courts in New York §§ 1:27 and 1:28](#)).

Appeals

Appeals from the justice courts are generally taken to:

- The appellate term, for justice courts within the second department (NY UCCA 1701 and 22 NYCRR § 730.1(d); see also N.Y. Const. art. 6, § 8(e), N.Y. Crim. Proc. Law §§ 10.10(3)(d)-(e) and 450.60(3)).
- The county court, for justice courts within the third and fourth departments (NY UJCA 1701; see also N.Y. Const. art. 6, § 11(c), N.Y. Crim. Proc. Law §§ 10.10(3)(d)-(e) and 450.60(3)).

Applicable Procedural Rules

Civil procedure in the justice courts is governed generally by:

- The UJCA (NY UJCA 102).
- The Uniform Civil Rules for the Justice Courts (22 NYCRR §§ 214.1-214.11).
- The CPLR (NY UJCA 2102 and CPLR 101).

Criminal procedure in the justice courts is governed generally by:

- Article 20 of the UJCA.
- The CPL (NY UJCA 2001(2)).
- The Uniform Rules for Courts Exercising Criminal Jurisdiction (22 NYCRR §§ 200.1-200.40).

In addition, counsel should check whether:

- The court has any particular local rules or practices.
- The town or village justice has any individual practice rules.