

HIERARCHY OF AUTHORITY // MANDATORY V. PERSUASIVE AUTHORITY

FEDERAL		NEW YORK	
Supreme Court of U.S.	Mandatory authority for all lower federal courts on federal issues.	N.Y. Court of Appeals	Mandatory authority for all lower N.Y. Courts on N.Y. law.
U.S. Circuit Courts of Appeal	Mandatory authority only for federal District Courts within the same Circuit on federal issues. Persuasive authority for District Courts outside the Circuit. E.g., 2nd Circuit is mandatory authority for federal District Courts within 2nd Circuit, but is only persuasive authority for District Courts within the 9th Circuit.	N.Y. Appellate Departments (1st Dep't, 2d Dep't, 3d Dep't, 4th Dep't)	Mandatory authority for N.Y. Supreme Courts within the same Department. There is conflicting authority over whether one Appellate Department can be mandatory or persuasive authority over Supreme Courts within a different Department.* If there is a question about whether to focus solely on one Appellate Department or to research cases from all Appellate Departments consult with your Lawyering Professor or your supervisor.
U.S. District Courts	Only persuasive authority for other federal courts.	N.Y. Supreme Courts	Only persuasive authority for other N.Y. courts.

* For more detailed discussion of this technical point, see Michael Gordon, "Which Appellate Division Rulings Bind Which Trial Courts?," *N.Y. Law Journal*, Sept. 8, 2009, available at <https://cutt.ly/8jWAm3H>, *Mountain View Coach Lines, Inc. v. Storms*, 102 A.D. 2d 663 (2d Dep't 1984), or your Legal Research textbook, *Progressive Legal Research* (2020) at pp. 10-11.