

A Short Guide to the Complex Rules of Binding Precedent in New York State Courts

By John Moore

January 30, 2026

Perhaps unsurprisingly for a state that calls its trial courts the Supreme Court, the rules of binding precedent in New York state courts are not always obvious. Online searches turn up summaries (written by AI and attorneys alike) that confidently proclaim incorrect rules for when a particular decision binds other courts to the same result. Because the question of whether a court's decision is binding can end up determining a case, this article aims to set the record straight with a (mostly) comprehensive explanation of what decisions are binding and when.

To start simply, decisions interpreting New York law by the Court of Appeals are binding on all courts. As the state's apex court, the Court of Appeals' decisions are binding on all lower courts in the state system. The court's decisions are also binding on every level of federal court considering questions of New York law. *10012 Holdings, Inc. v. Sentinel Ins. Co., Ltd.*, 21 F.4th 216, 221 (2d Cir. 2021). If you've identified a Court of Appeals decision answering the question of New York law you're interested in, then you're good to go regardless of the court you're in.

In contrast (though no more complicated), decisions of the state Supreme Court have a much narrower impact. Outside of estoppel or law of the case doctrine, state Supreme Court decisions are not binding anywhere, though they may hold persuasive value.

Meanwhile, the decisions of a Department of the Appellate Division are clearly binding on the trial courts within that Department. Thus, a Second Department decision would be binding on a Kings County trial court. This mirrors the federal system where a Second Circuit decision binds the district courts within the circuit.

What is less known (and often misunderstood) is that an Appellate Division decision is also binding on the trial courts *outside* the Department that issued the decision if it is the only Appellate Division decision on an issue. Every Department of the Appellate Division has adopted this rule. *Rivas v. Seward Park Hous. Corp.*, 219 A.D.3d 59, 66 n.3 (1st Dep't 2023); *Maple Med., LLP v. Scott*, 191 A.D.3d 81 (2d Dep't 2020); *Shoback v. Broome Obstetrics & Gynecology, P.C.*, 184 A.D.3d 1000, 1001 (3d Dep't 2020); *Phelps v. Phelps*, 128 A.D.3d 1545, 1547 (4th Dep't 2015). This is a result of the fact that the Appellate Division "is a single state-wide court divided into departments for administrative convenience." *Maple Med., LLP*, 191 A.D.3d 81. Thus, if the Fourth Department reaches a novel question of state law, the rule it announces is binding



John Moore

on trial courts statewide. This stands in contrast to the federal system where a Second Circuit ruling will never be binding on a district court in California.

A Department's ruling, however, is not binding on the other Appellate Division Departments. *Rivas*, 219 A.D.3d at 66 n.3; *Maple Med., LLP*, 191 A.D.3d 81. The Departments will consider the decisions of their sister Departments as persuasive precedent, but they are not bound by those decisions and remain free to reach a contrary result. Thus, a Fourth Department decision on a novel question of state law would bind a trial court in Kings County, but it would be only persuasive precedent for a case being argued in the Second Department. One upshot of this is that it means that a binding authority at the trial level can be downgraded to merely persuasive on appeal, potentially opening new avenues for argument.

In instances where two Departments have issued decisions reaching different results (and where there is no authority from the Court of Appeals on the subject), those decisions are binding on the trial courts within the respective Departments. Thus, the trial courts supervised by the Second Department are bound by the Second Department's ruling, while trial courts within the Fourth Department are bound by the Fourth Department's contrary ruling. The First and Third Departments of the Appellate Division are not bound by either decision and, when the issue reaches them, can each announce their own rules if they would like.

But what about a trial court in New York County, which does not fall within either Department that has yet issued a ruling on the matter? Had only one Department of the Appellate Division issued a ruling, or had the Departments agreed on the rule, the trial court would be bound to follow it. But "where two departments have issued conflicting rulings on a point of law," the trial court "situated in neither and whose department

has not spoken, may follow the holding that it deems to comport most closely with the law." *Maple Med., LLP*, 191 A.D.3d 81. In other words, the trial court gets to pick between the different rules until its home Department or the Court of Appeals speaks on the issue.

While a Department is not bound by the decisions of other Departments, a panel within the same Department will generally decide a legal issue in conformity with the ruling of a prior panel. *Vill. of Kiryas Joel v. Cnty. of Orange*, 144 A.D.3d 895, 899–900 (2d Dep't 2016). But the Departments are not required to give "unyielding adherence to even recent precedent." *Dufel v. Green*, 198 A.D.2d 640, 640–41 (3d Dep't 1993). Thus, it is not uncommon to find decisions expressly (or tacitly) diverging from prior precedent within the Department. See, e.g., *Smith v. City of New York*, 210 A.D.3d 53 (2d Dep't 2022); *Kash v. Jewish Home & Infirmary of Rochester, N.Y., Inc.*, 61 A.D.3d 146, 151 (4th Dep't 2009). Unlike the federal circuit courts, which generally require an *en banc* decision to overturn a prior ruling, individual panels in the Appellate Division appear to possess the authority to announce changes in the law. Such reexamination is most likely to occur in personal injury cases and least likely in cases involving property rights and dispositions. *Vill. of Kiryas Joel*, 144 A.D.3d at 900; *Dufel*, 198 A.D.2d at 640.

Finally, the Appellate Division's decisions are not binding on federal courts. The federal courts are only bound by the rulings of the Court of Appeals. That said, federal courts will consider rulings from the Appellate Division as "helpful indicators of how the state's highest court would rule." *10012 Holdings, Inc.*, 21 F.4th at 221. In other words, the Appellate Divisions' decisions are persuasive but not binding in federal court.

John Moore is a partner at *Schlam Stone & Dolan* in New York City where he focuses on appellate litigation.