

The Appellate Division is a single State-wide court divided into departments for administrative convenience¹ and, therefore, the doctrine of stare decisis requires trial courts in an appellate department to follow precedents set by the Appellate Division of another department until the Court of Appeals or the Appellate Division in the Department which it is in pronounces a contrary rule.² This is a general principle of appellate procedure³, necessary to maintain uniformity and consistency and, consequently, any cases holding to the contrary are disapproved. Such considerations do not pertain to the Appellate Division. While it should accept the decisions of sister departments as persuasive it is free to reach a contrary result.⁴

¹ see *Waldo v. Schmidt*, 200 NY 199, 202; Project, *The Appellate Division of the Supreme Court of New York: An Empirical Study of its Powers and Functions as an Intermediate State Court*, 47 Ford L Rev 929, 941

² see, e.g., *Kirby v. Rouselle Corp.*, 108 Misc 2d 291, 296; *Matter of Bonesteel*, 38 Misc 2d 219, 222, *affd* 16 AD2d 324; 1 *Carmody-Wait* 2d, NY Prac, 2:63, p 75

³ see, e.g., *Auto Equity Sales v. Superior Ct. of Santa Clara County*, 57 Cal 2d 450, 455; *Chapman v. Pinellas County*, 423 So 2d 578, 580 [Fla App]; *People v. Foote*, 104 Ill App 3d 581

⁴ *Giblin v. Nassau County Med. Center*, 61 NY2d 67, 76, n; *Mountain View Coach Lines, Inc. v. Storms*, 102 A.D.2d 663, 476 N.Y.S.2d 918 (2 Dept 1984)