



Lawsuit Reform Alliance of New York

Justice. Fairness. Common Sense.

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Lawsuit Reform Group Releases “Justice for All” Plan

For Immediate Release (Albany, NY): The Lawsuit Reform Alliance of New York (LRANY), a nonprofit advocacy group focused on legal reform, released its five-point legislative agenda today, entitled “Justice for All: A Roadmap to Fix New York’s Civil Justice System.”

LRANY Executive Director Tom Stebbins highlighted the need for such a plan, saying “By virtually every measure, New York is the lawsuit capital of the world. We are worst in the nation for litigation risk and third highest for per-capita lawsuit costs. That costs taxpayers, kills jobs, and drives investment out of the state.” The plan addresses five areas of New York’s civil justice system which the group says contribute to lawsuit abuse and excessive litigation.

The five-point plan focuses on the following issues:

Reform the “Scaffold Law”: New York’s “Scaffold Law,” the only of its kind in the nation, imposes total and virtually inescapable civil liability upon property owners and contractors for gravity-related construction accidents. Any contributing fault of the employee for the injury is not considered in court. This has resulted in a surge of opportunistic lawsuits which have dramatically increased the cost of construction. The law must be reformed to allow liability to be apportioned according to actual fault, as is the case in all other states.

End “trial by ambush”: New York does not currently have a statewide time frame for disclosure of expert witnesses. In practice, disclosure is deliberately withheld in order to coerce defendants into a settlement without full knowledge of the strength of the case against them, which compromises parties’ right to due process. The law must be amended to require disclosure of experts prior to the point at which the case is certified as ready for trial.

Keep junk science out of the courtroom: New York’s antiquated standard of evidence predates the Great Depression, and requires only that theories of evidence be “widely accepted.” This standard is inadequate for the 21st century, and allows lawsuits predicated on unsound theories.

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The law must be amended to require evidentiary theories to be based on scientifically verifiable methods, as is the case Federal court and a vast majority of other states.

Link judgment interest to the market rate: In New York, judgments accrue interest at a rate of 9% annually for as long as a case is pending. This fixed rate does not account for changing market conditions, dramatically inflates award values and creates a strong disincentive for defendants to appeal a ruling. The interest rate must be linked to the federal funds rate.

Enact “fair share liability”: Under New York’s current standard of “joint and several” liability, in a lawsuit with multiple defendants, one defendant as little as 1% responsible can be held fully liable for the full amount of a judgment if the other party is unable to pay their share. New York must adopt “fair share liability,” under which liability is always apportioned proportional to fault.

Stebbins stressed the need for these reforms to reduce the number of frivolous lawsuits currently advancing, and winning, in New York’s courtrooms. “We must close the loopholes in our law which allow people to abuse the legal system for profit while also preserving access to the justice system for everyone. These five reforms are critical first steps down that path.”

Stebbins highlighted the multi-billion dollar benefits of legal reform, including the creation of as many as 200,000 new jobs, \$1.04 billion in new tax revenues, and \$17 billion in increased economic output. “For years, New Yorkers have been calling for common sense measures to curb lawsuit abuse. Now our elected officials have a roadmap for achieving that goal.”

[The 5-point plan can be accessed here.](#)

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The Lawsuit Reform Alliance of New York (LRANY) is a nonpartisan not-for-profit association of businesses, professionals, healthcare providers, membership organizations, taxpayers, and concerned citizens committed to changing New York’s legal system to help create jobs and energize our economy.