



Justice for All

A Roadmap to Fix New York's Civil Justice System

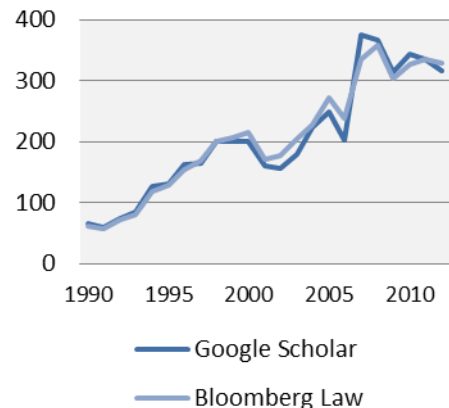
New York is ranked worst in the nation for litigation risk, third highest in per-capita lawsuit costs, and has not enacted a single lawsuit reform since 1986. The enactment of these common-sense reforms would restore balance to the civil justice system, reduce lawsuit abuse, and reverse New York's reputation as a haven for lawsuits.

Reform the "Scaffold Law"

Problem: New York Labor Law 240/241, or the "Scaffold Law," imposes total and virtually inescapable civil liability upon property owners and contractors for gravity-related construction accidents, and any contributing fault of the employee for the injury is not considered in court. New York is the only state in the nation with such a law, which drives general liability insurance costs which are the highest in the nation by an astounding margin.

Solution: Distribute liability in proportion to fault, as is the case in all other states.

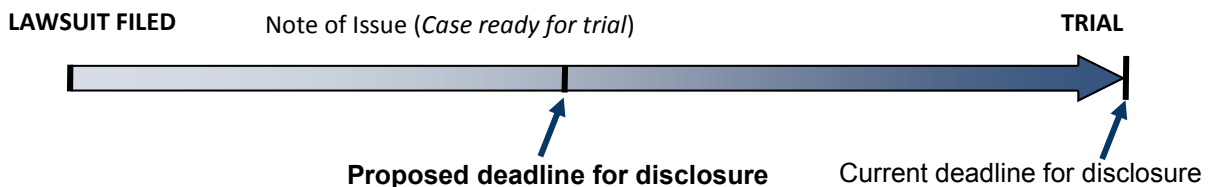
Scaffold Law Citations



End "Trial by Ambush"

Problem: New York does not currently have a statewide time frame for disclosure of expert witnesses. Disclosure is deliberately withheld in order to coerce defendants into a settlement without full knowledge of the strength of the case against them.

Solution: Require disclosure of experts well before the date of trial.

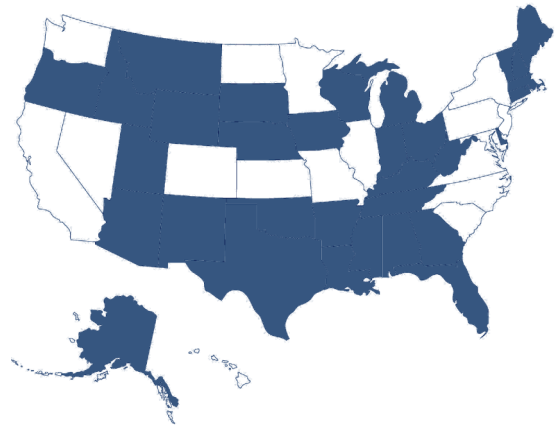


Keep “Junk Science” Out of the Courtroom

Problem: 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.

Solution: Require evidentiary theories to be based on scientifically verifiable methods, the “Daubert standard,” as is the case Federal court and a vast majority of other states.

States Adopting the “Daubert Standard”

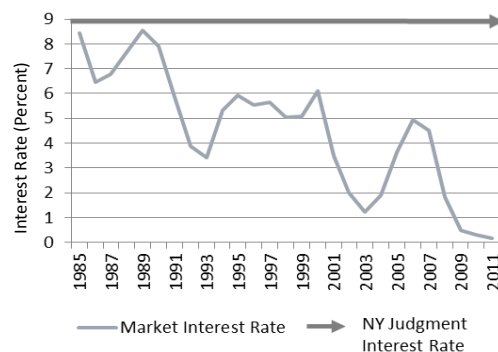


Link Judgment Interest to Market Rates

Problem: 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, and dramatically inflates award values while creating a strong disincentive for defendants to appeal a ruling.

Solution: The interest rate must be linked to the federal funds rate.

NY Judgment Interest Rate vs. Federal Funds Rate



Enact “Fair Share” Liability

Problem: 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.

Solution: Adopt “fair share liability,” under which liability is always apportioned proportional to fault.



Lawsuit Reform Alliance
of New York

Justice. Fairness. Common Sense.

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