

No Silver Lining

During Sheldon Silver's Tenure, New York Has Become the Lawsuit Capital of the World

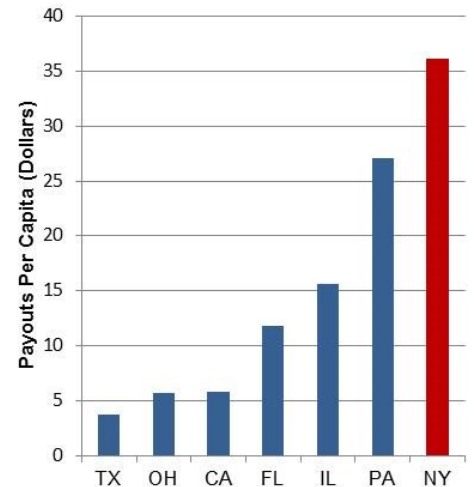
FACT: New York's legal system ranks among the worst in the nation across a range of metrics. According to the most recent Tort Liability Index, New York's tort system ranks second worst in the nation overall. We are ranked highest for litigation risk faced by businesses and individuals.¹

Fact: New York leads the nation in medical liability payouts. According to the most recent data, New York accounts for approximately 20% of all medical malpractice payouts in the nation, approximately three times the national average.²

FACT: Sheldon Silver has actively blocked tort reform legislation. In 2013, the New York Daily News reported that Speaker Silver blocked reform of the Scaffold Law, a bill that had substantial bi-partisan support.³

FACT: The Lawsuit Reform Alliance of New York has repeatedly raised questions about Silver's close connections with personal injury lawyers and the nature of the payments he received from Weitz & Luxenberg. In 2013, LRANY Executive Director Tom Stebbins was quoted as saying, "It is disappointing that the Speaker would put the profits of his own firm above the needs of the state."⁴ In 2014, Stebbins noted that Silver had never litigated a case for Weitz & Luxenberg, and questioned whether the firm's payments represented a "huge political contribution."⁵

Medical Malpractice Payouts (2014)



Source: Diederich Health Care



ATRA's annual "Sheldon Silver" Medal for the Worst State Civil Justice Legislation.

FACT: The trial lawyer lobby has thrived under Silver. Governor Cuomo has called the trial lawyers the "single most powerful political force in Albany."⁶ Between 2010 and 2014, the group's lobbying spending set all time record highs, growing 51% to over \$1.2 million.⁷ In 2014 the average personal injury lawyer-legislator was paid \$239,000 in outside income, almost three times their state salary.⁸

FACT: Sheldon Silver's close connections to the trial lawyers and refusal to support common sense legal reform has led to the "Sheldon Silver Medal," a distinction awarded to the state with the worst civil justice system. The American Tort Reform Association, which awards the medal, notes that "arguably, no single lawmaker in the country has done more to increase the profits of personal injury lawyers at the expense of jobseekers, consumers, taxpayers, and health care patients."⁹

SOURCES:

¹ McQuillan, Lawrence J. and Abramyan, Hovannes. "U.S. Tort Liability Index: 2010 Report." Pacific Research Institute. June 2010.

² Diederich Healthcare. "2015 Medical Malpractice Payout Analysis." March 2015.

^{3,4} Smith, Greg. "Exclusive: Sheldon Silver Kills Proposed Changes to Scaffold Law." New York Daily News. 19 June, 2013.

⁵ Baily, Pat. "Watchdog Wary of Sheldon Silver's Income From Law Firm." New York Post. 8 July, 2014.

⁶ Hawkins, Andrew J. "Cuomo Won't Push Scaffold Law Reform This Year." Crain's New York Business. 25 April, 2014.

^{7,8} "Power of Attorney: Exposing the Influence of the Plaintiffs' Bar in New York State Politics." April, 2015.

⁹ McKinney, Darren. "Release: ATRA Awards Medals for 'Best' and 'Worst' State Civil Justice Legislation in 2009." 1 September, 2009.



**Lawsuit Reform Alliance
of New York**

Justice. Fairness. Common Sense.

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