

## Reforming N.Y. lawsuit laws would aid economy

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Most everyone would agree that Gov. Andrew Cuomo has been uniquely successful in getting his agenda passed through a Legislature that was completely dysfunctional not too long ago.

So what's next for the governor in 2012? What can the governor deliver next year that has both broad support and economic opportunity? Reforming New York's antiquated and stifling legal system is an idea that has broad support in New York and would provide millions in economic development at no cost to the state.

New York is one of the most litigious states in the most litigious country in the world, but there are many small changes the governor can support to help free our state from that dubious distinction.

The first is trespasser responsibility. New York and California are the only states in the union where if someone gets hurt while trespassing on your property, you are liable. This law only makes sense to lawyers. Trespasser responsibility is a common-sense idea which would clearly send a message that New York is now working differently.

The second law is the so-called "Scaffold Law" under which the employer is always at fault for an injury on the worksite, even in cases of gross negligence on behalf of the injured. So if a construction worker is drunk and falls, his or her employer is liable. This law is obviously a huge financial burden to employers and a drain on our economy.

If the governor reforms or repeals the Scaffold Law, millions of dollars a year could potentially be saved in unfair judgments and insurance payments, allowing employers to invest in more jobs and capital improvements throughout New York.

The final piece of a strong lawsuit reform package would be to cap non-economic judgments in medical malpractice cases. Health care professionals and businesses work under constant threat of multimillion-dollar judgments that can destroy their businesses and the jobs they provide.

Those who are injured as a result of an accident should be compensated for their medical bills and lost wages. It is the excessive and unpredictable nature of such things as the "pain and suffering" settlements that causes problems for the medical community and serves little or no purpose except to enrich trial lawyers.

Many states have passed similar limits to great success. New York should join them and end the current "lawsuit lottery" system that threatens the economic growth of our state. This will help end the mass exodus of medical professionals from our state and, by reducing the cost and unpredictability of malpractice insurance, will increase access to health care and make it more affordable.

Cuomo's first session will be a tough act to follow. By supporting the initiatives above, the governor can pass a package of reforms that is broadly supported, brings jobs and economic development, and costs the state nothing.

**Stebbins is executive director of the Albany-based Lawsuit Reform Alliance of New York.**