



May 29, 2026

Hon. Andrea Stewart-Cousins
New York State Senate
Legislative Office Building 907
Albany, NY 12247

Hon. Carl Heastie
New York State Assembly
Legislative Office Building 932
Albany, NY 12248

RE: Reject Radical Expansion of Liability — I S.10035/A.11203

Dear Majority Leader Stewart-Cousins, Speaker Heastie, and Members of the New York State Legislature:

We, the undersigned organizations, urge you to oppose S.10035/A.11203, which would radically increase liability and legal risk for all aspects of the state’s economy, including the health care safety-net, small businesses, and local government services. If enacted, this proposal would exacerbate the affordability crisis and move in the wrong direction when it comes to reforming New York’s notoriously costly civil justice system.

Excessive litigation costs New York households [over \\$7,000 each year](#) — \$3,000 above the national average. The proposed legislation would only compound the issue and send those

costs soaring even higher.

This legislation would undermine the fundamental balance of the state's judicial system. Instead of parties in litigation presenting their case to a neutral judge or jury, the bill would overhaul the civil liability system to inherently favor the party bringing a lawsuit. The scales of justice would be tipped toward the plaintiff in procedural matters and restrict defendants' ability to investigate and defend claims fully.

This imbalance incentivizes speculative litigation, even when related evidence is weak or unsubstantiated. The resulting increase in legal risk, litigation, settlements, and court awards could drive up insurance premiums and raise costs for businesses and consumers throughout the economy.

The bill claims to increase transparency, but it protects outside parties that fund lawsuits and keeps litigation funding arrangements hidden from discovery. Given that litigation funding has become a multi-billion-dollar business and appeared in major fraud cases in New York for years, judges, juries, and defendants should know who has a financial stake in a lawsuit — just as plaintiffs know about insurance coverage. The bill further contravenes New York's public policy goals by banning confidentiality agreements in personal injury and medical settlements, even though those agreements often help cases resolve efficiently and avoid lengthy trials.

The proposed measures would also undermine fairness and efficiency in the civil justice system by prohibiting certain alternate dispute resolution agreements. Arbitration and mediation allow parties to settle matters privately, providing a timely and cost-effective method that does not burden the courts. [Research shows that arbitration](#) is not only faster, but it also often leads to more favorable outcomes for claimants, as well as higher awards. Restricting these actions would only benefit the plaintiffs' bar. At the same time, it would increase the number of cases courts must adjudicate, raise related costs, and place additional strain on already scarce judicial resources.

The bill recognizes that “substantial and unnecessary costs, delays, and disputes have developed in New York's civil justice system.” However, the solutions proposed here would only make matters worse. This radical overhaul of the civil justice system would lead to a higher volume of unwarranted and expensive lawsuits and raise costs for the court system and every aspect of the economy.

As New Yorkers continue to see the prices of gas, groceries, and medical bills rise, they deserve policies that lower cost, not raise them dramatically. We respectfully urge the legislature to preserve the integrity of New York's civil justice system and protect working families from the economic consequences of excessive litigation. That starts with rejecting S.10035/A.11203.

Sincerely,

American Council of Engineering Companies of New York

American Property Casualty Insurance Association

Associated Builders and Contractors, Empire State Chapter

Associated General Contractors of New York State

Business Council of New York

Business Council of Westchester

Capital Region Chamber of Commerce

Empire Center for Public Policy

Food Industry Alliance of New York State

Lawsuit Reform Alliance of New York

Long Island African American Chamber of Commerce

Long Island Association

National Federation of Independent Business, New York

New York Construction Materials

New York Farm Bureau

New York Insurance Association

New York State Automobile Dealers Association

New York State Builders Association

Trucking Association of New York State

Upstate United