STATE OF NEW YORK

9552

IN ASSEMBLY

January 14, 2026

Introduced by M. of A. SIMON -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to setting the level of deference given by the appellate division to the jury's fact finding

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (c) of section 5501 of the civil practice law and rules, as amended by chapter 474 of the laws of 1997, is amended to read as follows:

(c) Appellate division. The appellate division shall review questions of law and questions of fact on an appeal from a judgment or order of a court of original instance and on an appeal from an order of the supreme court, a county court or an appellate term determining an appeal. The notice of appeal from an order directing summary judgment, or directing judgment on a motion addressed to the pleadings, shall be deemed to specify a judgment upon said order entered after service of the notice of appeal and before entry of the order of the appellate court upon such appeal, without however affecting the taxation of costs upon the appeal. In reviewing a money judgment in an action in which an itemized verdict is required by rule forty-one hundred eleven of this chapter [~~in which it is contended that the award is excessive or inadequate and that a new trial should have been granted unless a stipulation is entered to a different award, the appellate division shall determine that an award is excessive or inadequate if it deviates materially from what would be reasonable compensation~~], **where it is contended that the award is excessive or inadequate and that a new trial should have been granted unless a stipulation is entered to a different award, the appellate division shall give the highest degree of deference to the jury's factual findings, including its assessment of damages. An award shall not be deemed excessive or inadequate unless the moving party establishes, by clear and convincing evidence, that the verdict is so extraordinary that it shocks the conscience of the court and could not have been reached by any reasonable jury. In making this determination, the appellate divi-**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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sion shall consider the evidence in the light most favorable to the prevailing party and shall not substitute its judgment for that of the jury on questions of credibility, weight of the evidence, or the quantification of damages.

§ 2. This act shall take effect immediately and apply to all actions filed on or after such effective date.