

STATE OF NEW YORK

8625

2025-2026 Regular Sessions

IN SENATE

December 19, 2025

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

4 (c) Appellate division. The appellate division shall review questions
5 of law and questions of fact on an appeal from a judgment or order of a
6 court of original instance and on an appeal from an order of the supreme
7 court, a county court or an appellate term determining an appeal. The
8 notice of appeal from an order directing summary judgment, or directing
9 judgment on a motion addressed to the pleadings, shall be deemed to
10 specify a judgment upon said order entered after service of the notice
11 of appeal and before entry of the order of the appellate court upon such
12 appeal, without however affecting the taxation of costs upon the appeal.
13 In reviewing a money judgment in an action in which an itemized verdict
14 is required by rule forty-one hundred eleven of this chapter [~~in which
15 it is contended that the award is excessive or inadequate and that a new
16 trial should have been granted unless a stipulation is entered to a
17 different award, the appellate division shall determine that an award is
18 excessive or inadequate if it deviates materially from what would be
19 reasonable compensation~~], where it is contended that the award is exces-
20 sive or inadequate and that a new trial should have been granted unless
21 a stipulation is entered to a different award, the appellate division
22 shall give the highest degree of deference to the jury's factual find-
23 ings, including its assessment of damages. An award shall not be deemed
24 excessive or inadequate unless the moving party establishes, by clear

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

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1 and convincing evidence, that the verdict is so extraordinary that it
2 shocks the conscience of the court and could not have been reached by
3 any reasonable jury. In making this determination, the appellate divi-
4 sion shall consider the evidence in the light most favorable to the
5 prevailing party and shall not substitute its judgment for that of the
6 jury on questions of credibility, weight of the evidence, or the quanti-
7 fication of damages.

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