

TORT REFORM

Executive Summary

Most New Yorkers are dissatisfied with the state's broader lawsuit climate. Most want New York to change course, including **stopping third-party litigation funding** by investors seeking to profit from lawsuits and by changing the treatment of **weak claims** filed in hopes of securing settlements.

New Yorkers overwhelmingly **reject pain-and-suffering awards for impaired drivers or people fleeing police**.

There is near-universal support for **prosecuting people who stage accident fraud**, as well as those who knowingly help carry out such schemes, including **false witnesses** and providers of **fake medical diagnoses**.

Most voters say workers who ignore safety warnings should **not be able to sue an employer for an avoidable injury**. Similarly, most New Yorkers favor **changing New York's Scaffold Law**.

When asked about civil justice in abstract terms, many New Yorkers are unsure. But when given specific examples to consider, most express **strong support for changing the current course**.

The findings are drawn from a statewide survey of 600 likely 2026 general-election voters conducted by Cygnal on behalf of the Empire Center. This report focuses on civil justice and tort-related findings. Additional results from the survey will be released separately.

Impaired Driver Claims

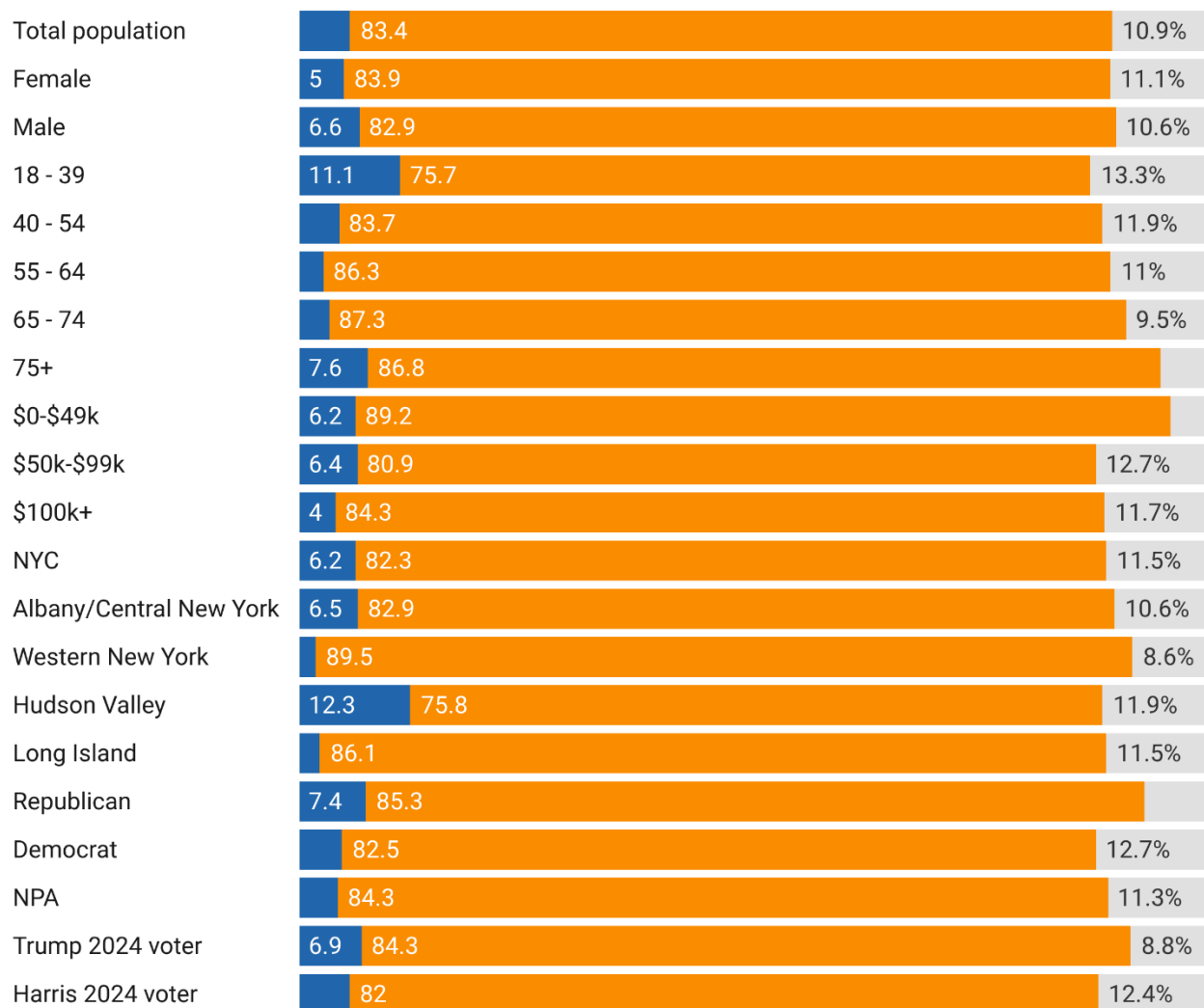
Voters overwhelmingly reject pain-and-suffering awards for impaired drivers or people fleeing police. Eighty-three percent say such drivers should not be able to collect, compared with only 6 percent who say they should and 11 percent who are unsure. The opposition is more than fourteen times the level of support, making this one of the clearest results in the poll.

The judgment crosses the usual political and demographic lines. Eighty-four percent of both Republicans and Democrats say the driver should not be able to collect, as do 82 percent of voters with no party affiliation. Opposition ranges from 76 percent among voters ages 18 to 39 to 87 percent among those ages 65 to 74. Regionally, opposition reaches 90 percent in Western New York and remains at or above 80 percent in the other major regions.

Impaired Driver Claims

Survey question: If a person drove while intoxicated or was fleeing the police and crashed into a tree, should they receive money from the insurance company not only for medical expenses, but also an award for pain and suffering?

- Yes, they should be able to collect
- No, they should not be able to collect
- Unsure



N=600, margin of error $\pm 4.0\%$. Percentages are calculated within each demographic group and may not sum to exactly 100% due to rounding. Party identification includes Republican, Democrat, and No Party Affiliation (NPA). Geographic categories follow the survey definitions: Albany/Central New York, Western New York, Hudson Valley, Long Island, and New York City.

Chart: Empire Center, Cygnal • Created with Datawrapper

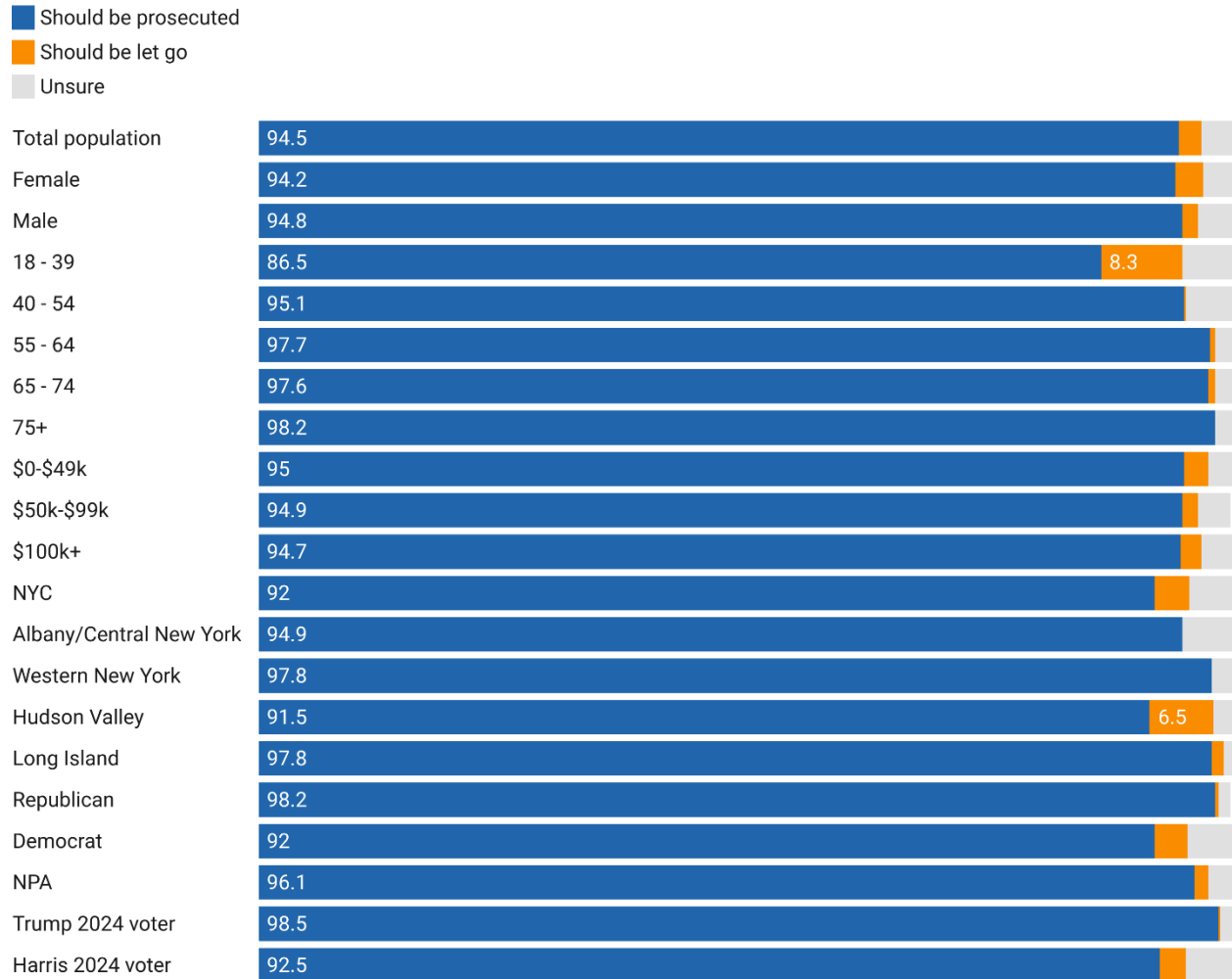
Staged Accident Fraud

There is virtually universal support for prosecuting people who have faked accidents or injuries. Ninety-five percent say the person responsible should be prosecuted, while just 2 percent say the person should be let go and 3 percent are unsure. Few issues in the survey produce this level of agreement.

The consensus holds across party, age, income, and geography. Support for prosecution stands at 92 percent among Democrats, 92 percent among Republicans, and 97 percent among voters with no party affiliation. It reaches 98 percent among 2024 Trump voters and 93 percent among Harris voters. Even voters ages 18 to 39, the least supportive age group, favor prosecution by an 87 percent to 8 percent margin.

Staged Accident Fraud

Survey question: 'Sometimes people stage crashes or accidents and pretend to be injured in order to sue and collect money. If an investigation finds that an accident or injury was faked, should the person who faked it be prosecuted, or be let go?



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Fraud Collaborators

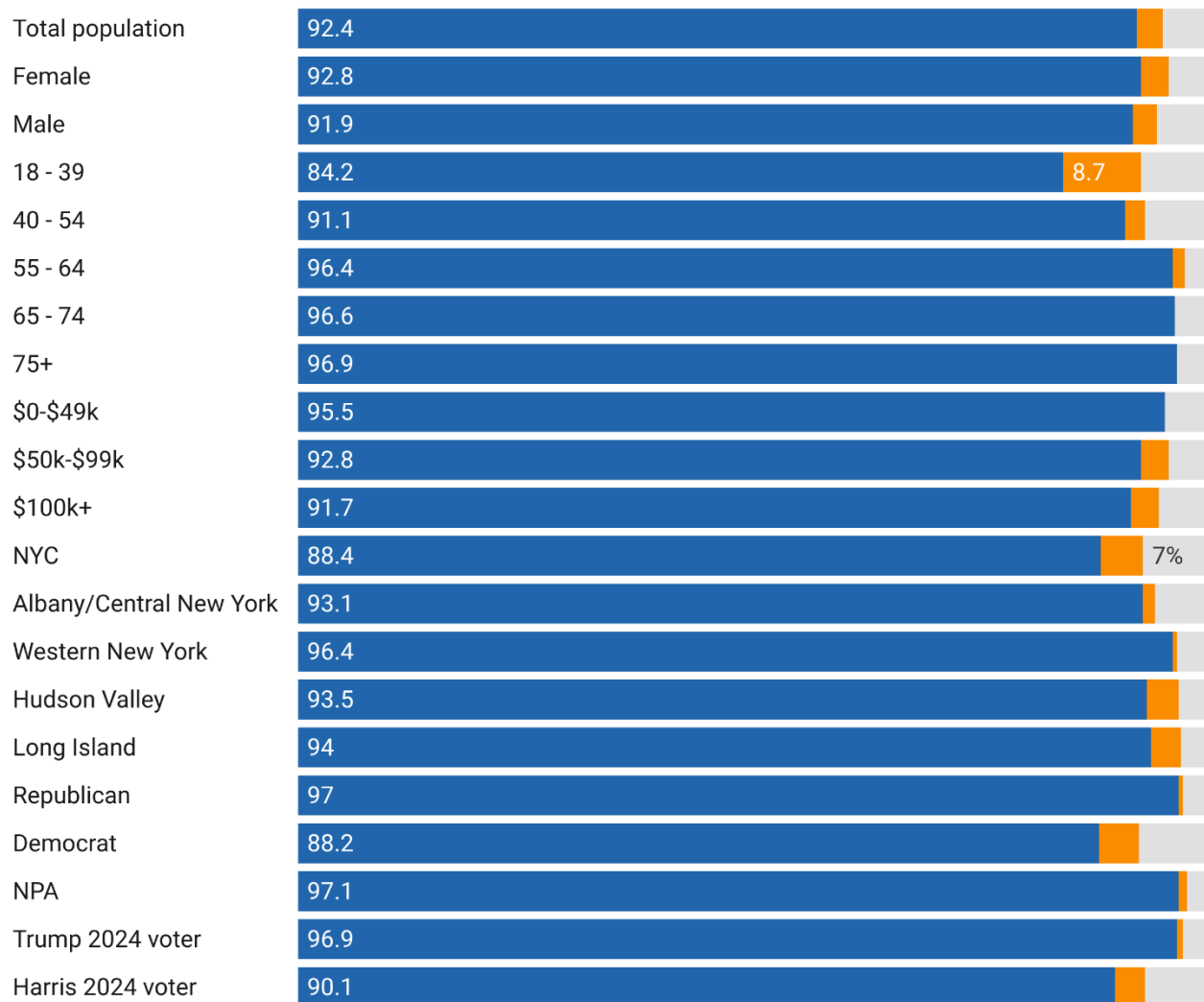
New Yorkers apply nearly the same standard to people who help carry out insurance fraud. Ninety-two percent say false witnesses, providers of fake medical diagnoses, and other collaborators should be prosecuted. Just 3 percent would let them go, while 5 percent are unsure. The result shows that voters do not draw a meaningful distinction between the person staging an accident and those who knowingly help make the scheme possible.

Support for prosecution is broad, although younger voters are somewhat less emphatic. Ninety-five percent of Democrats, 92 percent of Republicans, and 97 percent of voters with no party affiliation favor prosecution. Support rises from 84 percent among voters ages 18 to 39 to at least 91 percent in every older age category. Regionally, it ranges from 88 percent in the Hudson Valley to 96 percent in Western New York. Even at the low end, the public judgment remains decisive.

Fraud Collaborators

Survey question: 'What about their collaborators — such as false witnesses, or people who produce fake medical diagnoses? Should they be prosecuted, or be let go?

■ Should be prosecuted
■ Should be let go
■ Unsure



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Worksite Injury Liability

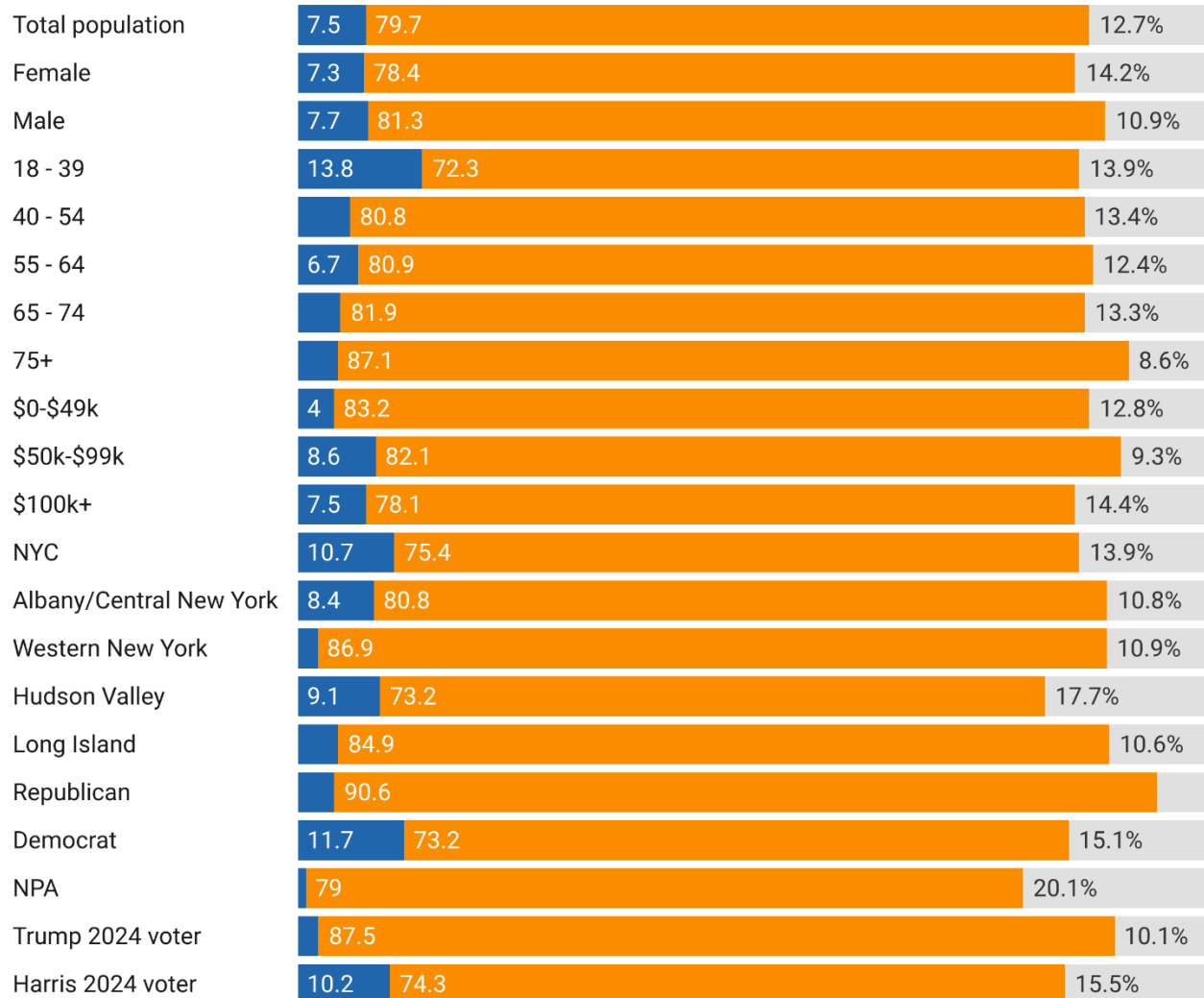
Four in five voters say a worker who repeatedly ignored safety requirements should not be able to sue the employer for an avoidable injury. Eighty percent oppose allowing the lawsuit, compared with 8 percent who would permit it and 13 percent who are unsure. The result indicates strong public support for considering a worker's own failure to follow safety rules when determining liability.

Opposition is bipartisan, but it is strongest among Republicans and older voters. Ninety-one percent of Republicans say the worker should not be able to sue, along with 79 percent of Democrats and 79 percent of voters with no party affiliation. The share ranges from 72 percent among voters ages 18 to 39 to 88 percent among those ages 65 to 74. Women and men reach nearly identical conclusions, at 77 percent and 81 percent, respectively.

Worksite Injury Liability

Survey question: Consider this situation: a construction worker is told multiple times to wear a helmet on a job site. He fails to wear the helmet and gets injured. Had he worn the helmet he would have avoided the injury. Should this worker be able to sue his employer for the injury?

- Yes, he should be able to sue his employer
- No, he should not be able to sue his employer
- Unsure



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Scaffold Law

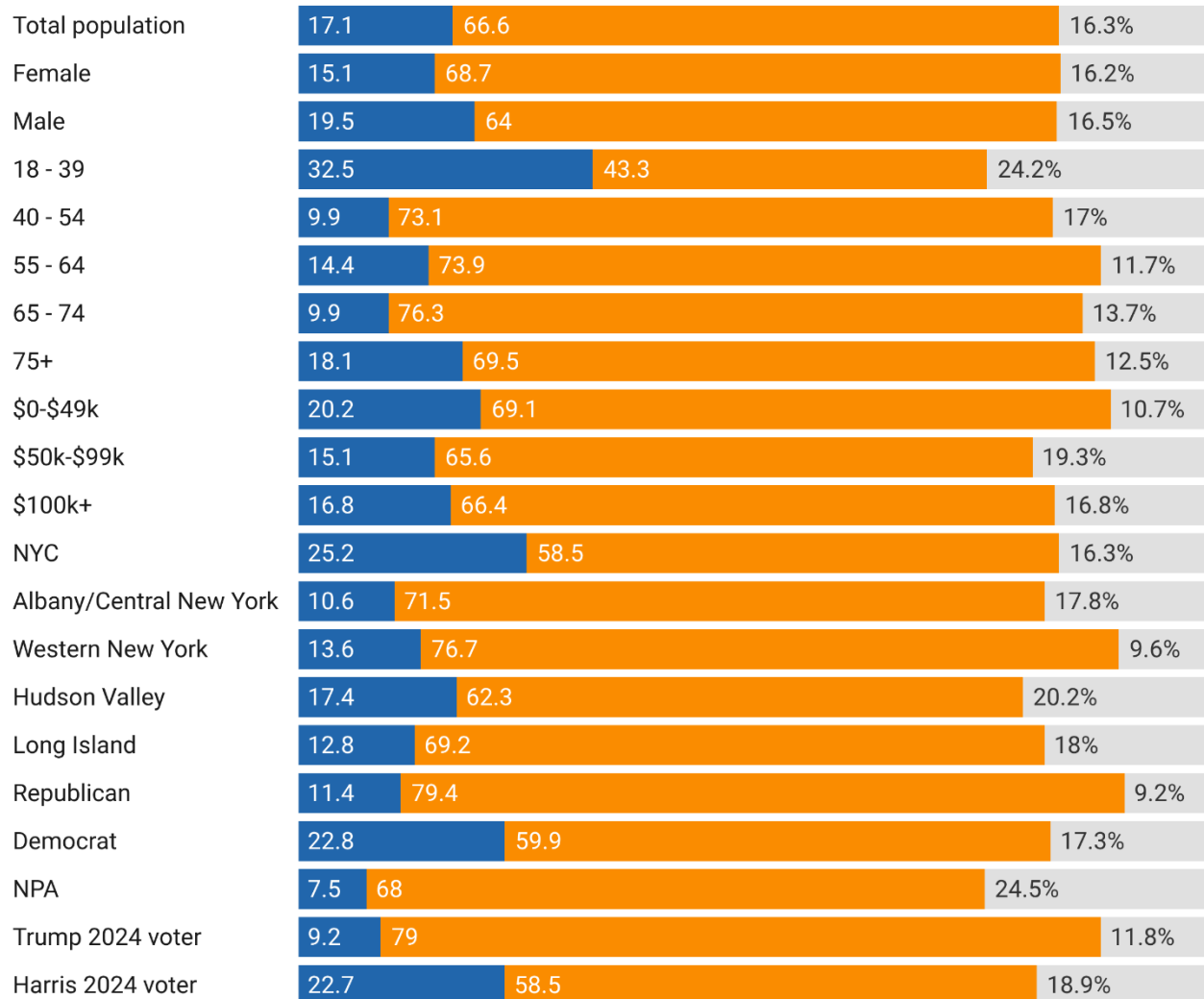
Two-thirds of voters want New York's Scaffold Law changed. Sixty-seven percent favor changing the law, while 17 percent want to keep it as it is and 16 percent are unsure. Support for change is nearly four times greater than support for the status quo.

The appetite for change is broad, but intensity varies considerably by age and party. Seventy-nine percent of Republicans and 64 percent of Democrats favor changing the law. Among 2024 voters, support reaches 79 percent for Trump voters and 50 percent for Harris voters. Age produces an even wider spread: only 43 percent of voters ages 18 to 39 favor change, compared with 73 percent of those ages 40 to 54 and at least 74 percent in each group age 55 or older. Younger voters are also the most likely to prefer keeping the law or to remain unsure.

Scaffold Law

Survey question: 'New York is the only state with a law — known as the Scaffold Law — that can hold an employer fully responsible and require it to pay large sums to an injured construction worker, even when the worker ignored safety rules. Do you think New York should keep this law as it is, or change it?

■ Keep the law as it is
■ Change the law
■ Unsure



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New York as Venue for Lawsuits

A majority wants New York to change course, but uncertainty is substantial. Fifty-two percent favor change, 18 percent want the state to continue on its current course, and 30 percent are unsure. Support for change outnumbers support for the status quo by nearly three to one.

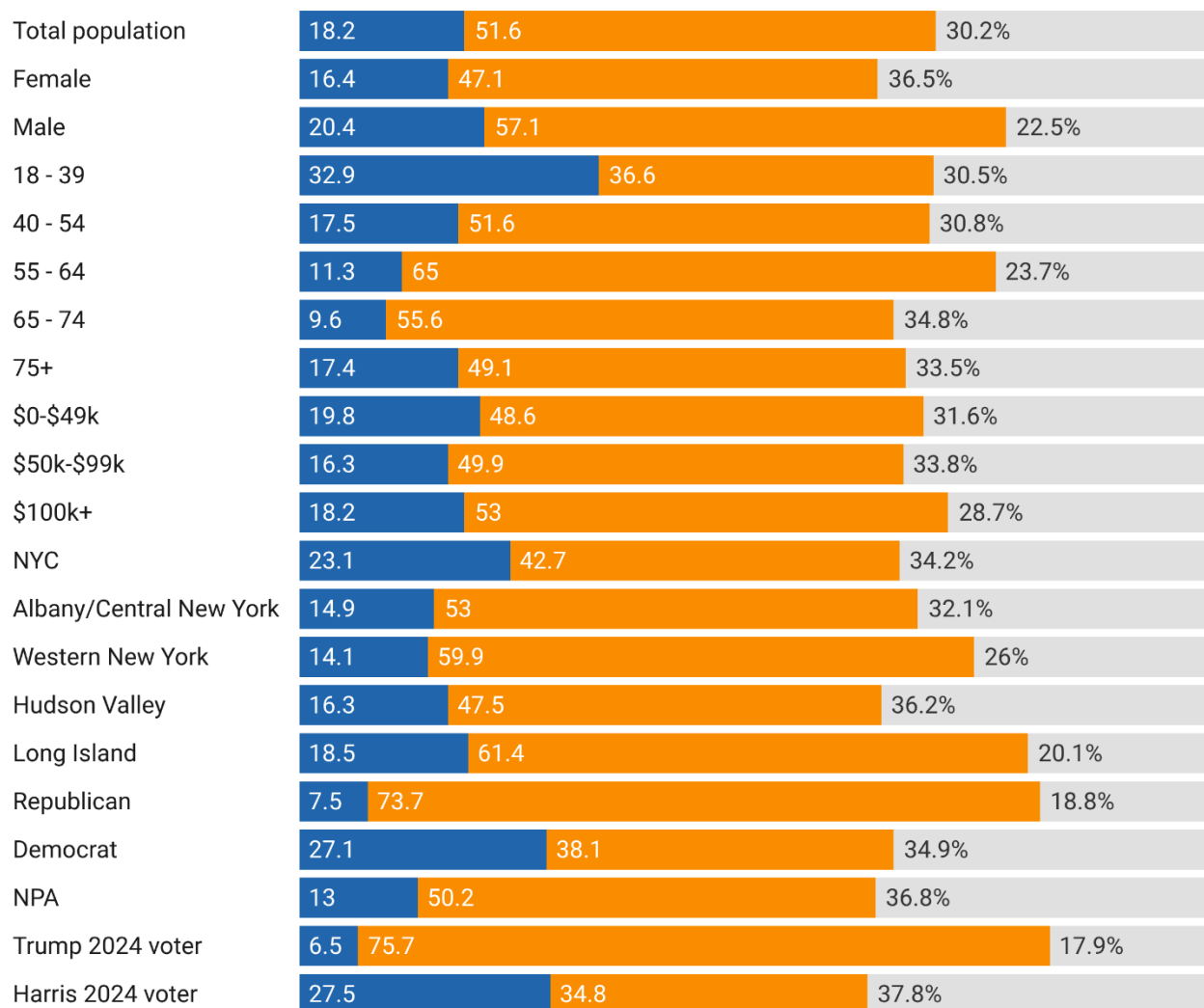
This is the most politically divided question in the survey. Seventy-six percent of 2024 Trump voters favor changing course, compared with 35 percent of Harris voters. Republicans favor change by 74 percent to 7 percent, while Democrats are much more divided, with 38 percent favoring change, 27 percent preferring the current course, and 35 percent unsure. Age also shapes the response: support for change rises from 37 percent among voters ages 18 to 39 to 65 percent among those ages 65 to 74. Unlike the fraud and personal-responsibility questions, the broader lawsuit climate is interpreted more clearly through a partisan lens.

Regardless, each demographic wants New York to change course.

New York as a Lawsuit Venue

Survey question: Some people say lawyers prefer to file lawsuits in New York rather than in other states because it is easier to win large sums here. Some New Yorkers like that the state is friendly to these lawsuits, while others want to change it. What do you think New York should do?

■ Continue on the current course
■ Change course
■ Unsure



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Third-Party Litigation Funding

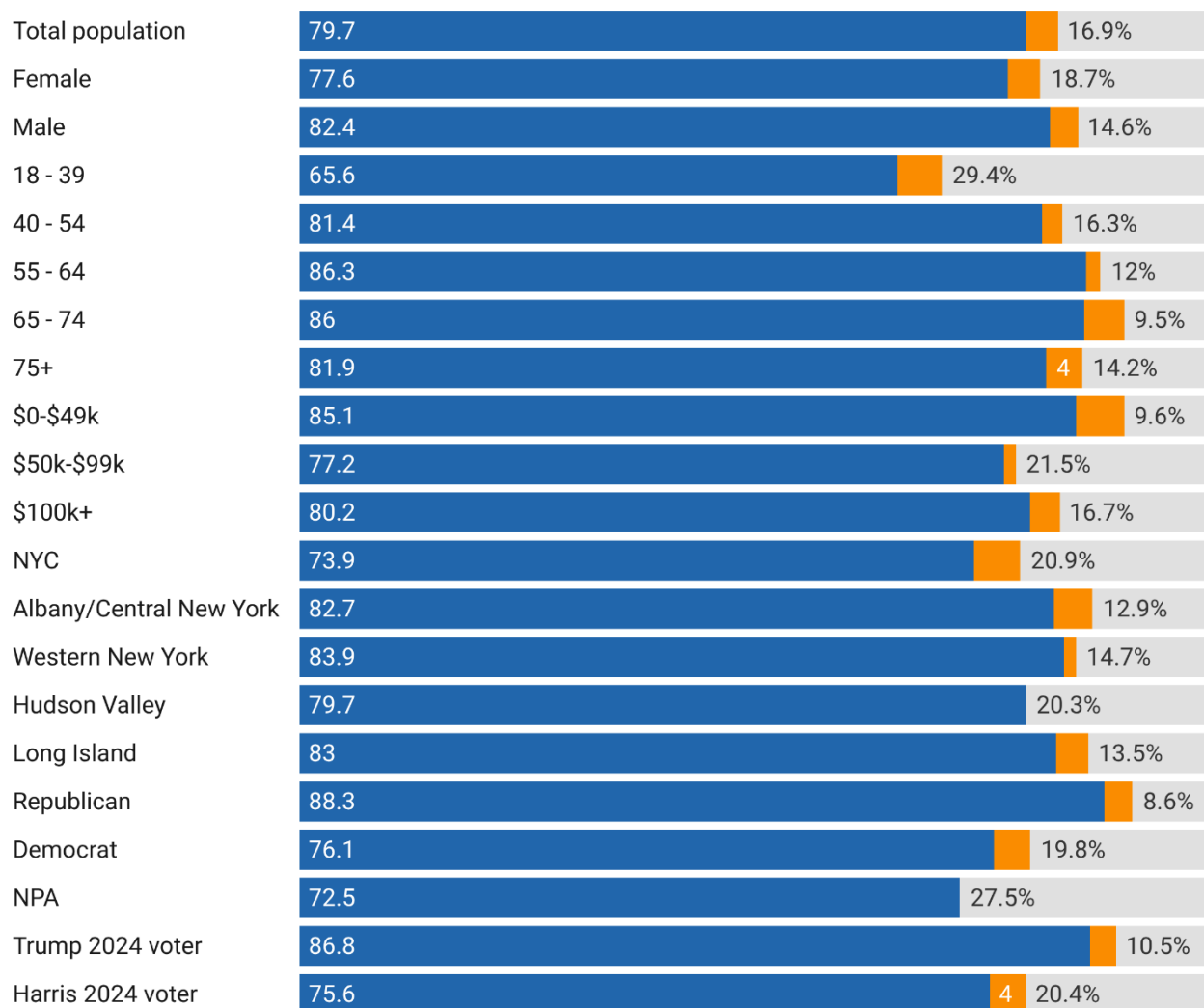
New Yorkers overwhelmingly want the state to stop third-party litigation funding by investors seeking to profit from lawsuits. Eighty percent favor putting a stop to the practice, just 3 percent would allow it to continue, and 17 percent are unsure. Opposition exceeds support for continuation by more than twenty to one.

The result is bipartisan and geographically broad. Eighty-eight percent of Republicans and 76 percent of Democrats favor ending the practice, as do 83 percent of voters with no party affiliation. Support reaches at least 78 percent among voters age 40 and older, compared with 66 percent among those ages 18 to 39, who are more likely to be unsure. Regional support ranges from 74 percent in the Hudson Valley to 87 percent in the Albany area and 87 percent in the Syracuse area.

Third-Party Litigation Funding

Survey question: Some investors, including foreign investors, pool their money together to fund lawsuits against New York businesses in order to profit from the results. Do you think New York should put a stop to this practice?

- Yes, put a stop to it
- No, allow it to continue
- Unsure



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Frivolous Lawsuits

More than three-quarters of respondents say the practice of filing weak claims in hopes of securing a settlement should be changed. Seventy-seven percent favor change, while 11 percent would keep the current approach and 12 percent are unsure. The public preference for reform is nearly seven times greater than support for leaving the system as it is.

Support for change is broad but strengthens sharply with age and Republican identification. Ninety-one percent of Republicans favor change, compared with 68 percent of Democrats and 80 percent of voters with no party affiliation. Among 2024 voters, the figure reaches 92 percent for Trump voters and 67 percent for Harris voters. Age is another major dividing line: support ranges from 59 percent among voters ages 18 to 39 to 79 percent among those ages 40 to 54, 82 percent among those ages 55 to 64, and at least 84 percent among voters age 65 or older.

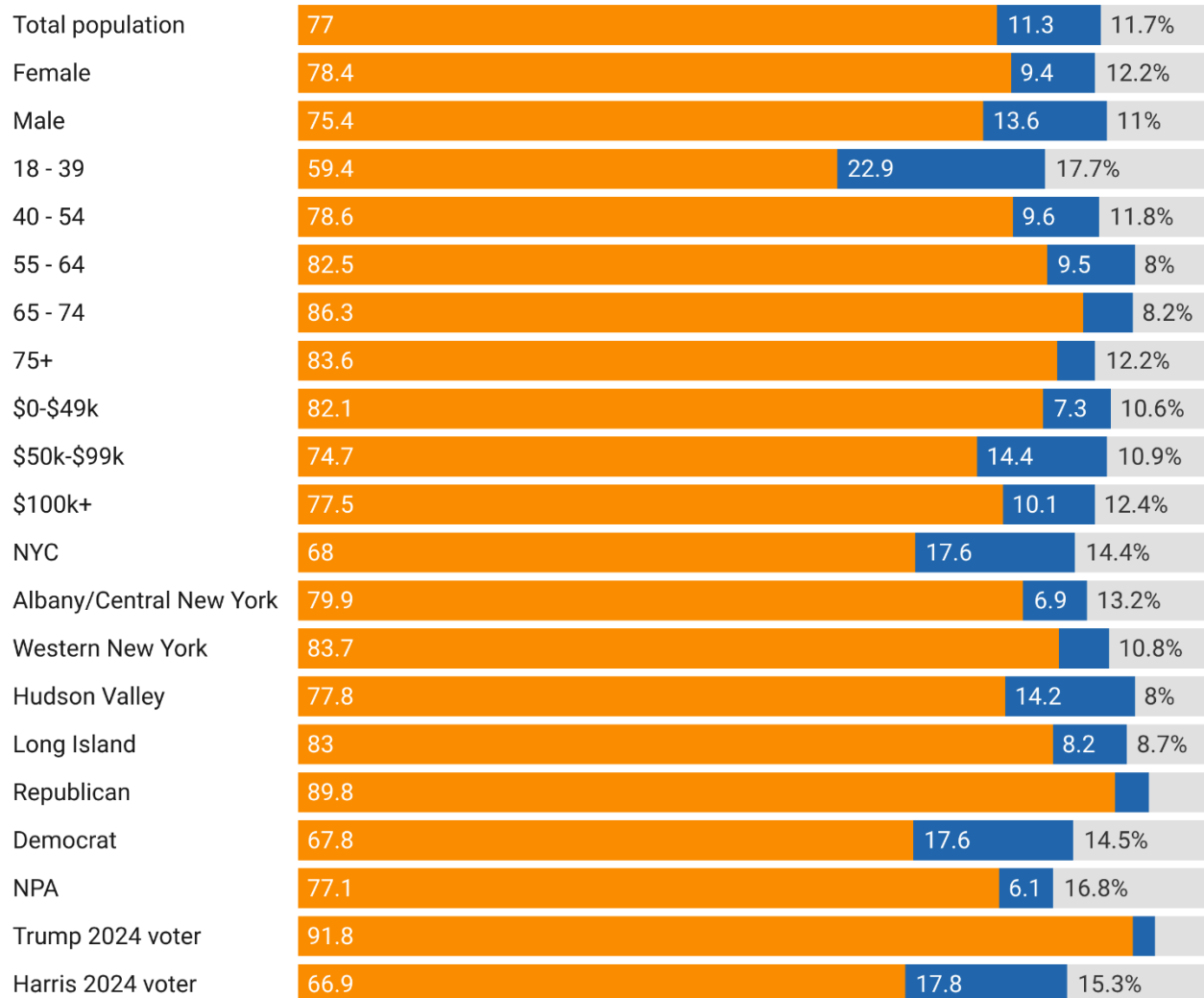
Frivolous Lawsuits

Survey question: Sometimes people sue a large company even when the company has done nothing wrong, hoping the company will pay a settlement rather than spend money fighting the case in court. In general, do you think this should be changed, or kept as it is?

Should be changed

Should be kept as it is

Unsure



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Civil Justice Opinion

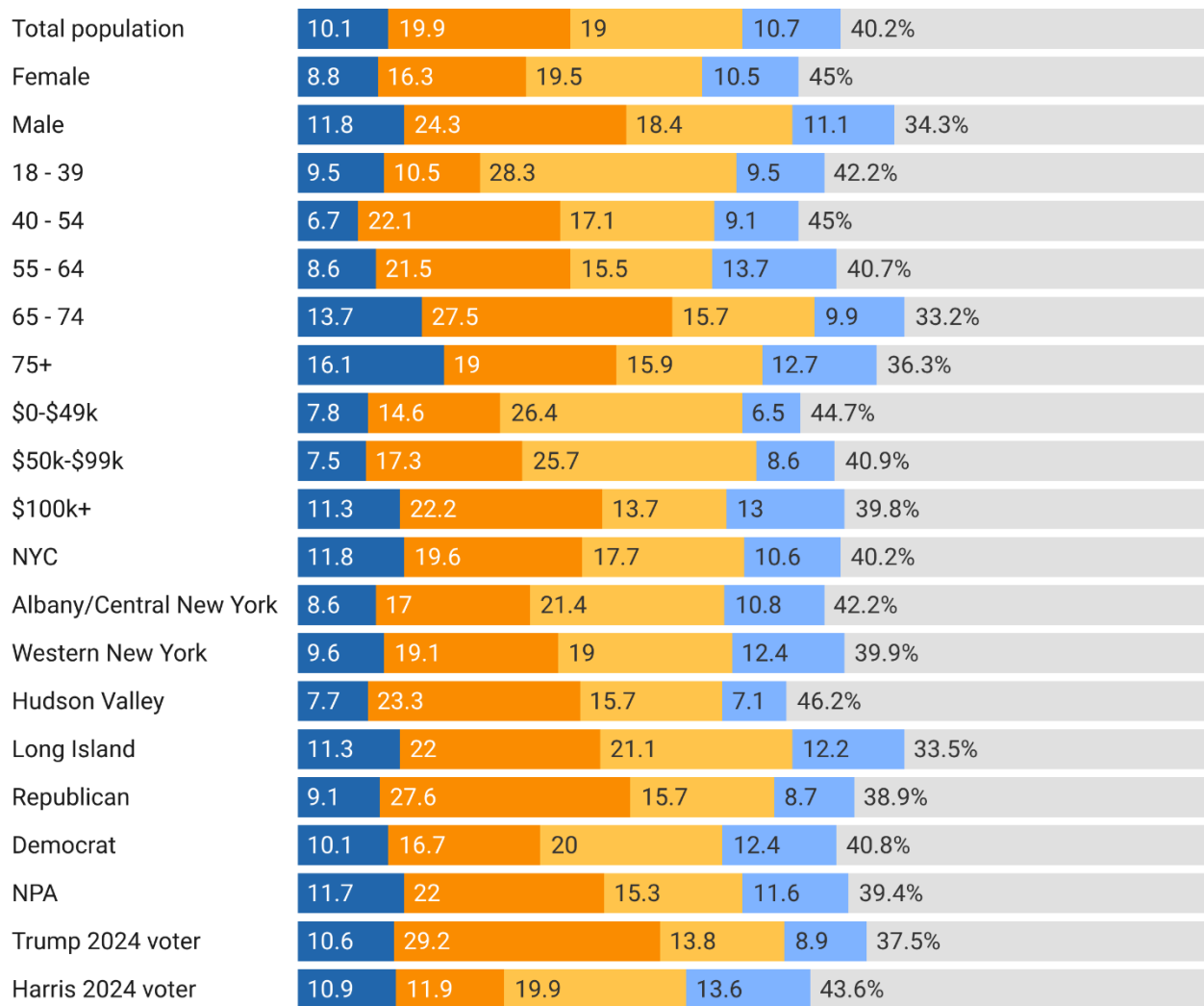
New Yorkers do not have a settled view of the state's civil justice system. Four in ten voters are unsure how to characterize it, while the remainder divide almost evenly among competing views. Twenty percent say the system makes it too easy to bring lawsuits and seek large awards, 19 percent believe it makes fair compensation too difficult, 11 percent consider it fair to both sides, and 10 percent say it gives injured people a fair chance. The result is less a verdict on the system than evidence that no single description has broken through with the public.

The strongest criticism - that lawsuits are too easy to bring - comes from voters already inclined toward the political right. Twenty-nine percent of 2024 Trump voters hold that view, compared with 17 percent of Harris voters. Republicans reach 28 percent, versus 22 percent of Democrats and 17 percent of voters with no party affiliation. Age also matters: only 10 percent of voters ages 18 to 39 say lawsuits are too easy to bring, rising to 27 percent among those ages 65 to 74. Still, uncertainty remains the largest response across most major demographic groups.

Opinion on Civil Justice

Survey question: Which of the following comes closest to your overall view of New York's civil justice system, even if none is exactly right?

- It generally gives people who are injured a fair chance to seek compensation
- It generally makes it too easy to bring lawsuits and seek large awards
- It generally makes it too difficult for injured people to receive fair compensation
- It is generally fair to both sides
- Unsure



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