

NY COURTS

NEWSLETTER

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This newsletter is intended to provide you with meaningful and timely information on industry trends, hot topics, best practices and how to leverage LexisNexis services to meet your unique needs.

Hot Topics

Keep pace with developments in New York statutes, regulations, court decisions, administrative rulings, and other news with our NY Courts Newsletter.

Health Care Reform Special Alert

With the signing into law of the Patient Protection and Affordable Care Act (PPACA) and the Health Care and Education Reconciliation Act (HCERA), a new era in the history of the American health care system has begun. While this is the largest social reform effort undertaken since Medicare, it is distinguished as being the only one without bipartisan support. The galactic new health care reform laws directly impact the health care sector of the nation's economy, a sector that represents approximately 18% of the gross domestic product, and directly impact as well as countless private-sector employers and employer-sponsored group health plans covering an estimated 177 million individuals [Statistical Abstract of the United States: 2010 (129th ed.), 107].

The PPACA raises many questions for attorneys and non-attorneys alike, including how the provisions will operate in practice and whether it will even achieve its intended goals. For example, how will Medicaid deal with the increase in participants expected as a result of the PPACA and HCERA? Will the new health care exchanges formed under the Act increase the transparency and efficiency of the insurance markets? What impact will the new insurance mandates have on the cost of health insurance? What will the financial impact be on employers and their health care plans?

LexisNexis' new *Health Care Reform Special Alert* provides insightful, expert analysis of each provision of the PPACA and HCERA. It also explores the difficult questions practitioners face as a result of the most far reaching and complicated piece of federal legislation passed in over 50 years. Finally, the *Special Alert* contains the USCS sections revised by the reform legislation.

What's new?

Analysis of CPLR Article 9, Class Actions, Completely Revised by Thomas Dickerson, Associate Justice, Appellate Division, Second Department of the New York State Supreme Court

Weinstein, Korn and Miller, New York Civil Practice: CPLR (David L. Ferstendig, General Editor) is the definitive treatise on the development and application of the law governing civil litigation in the New York courts. The current release of the treatise features analysis of CPLR Article 9, Class Actions, completely revised by Justice Thomas Dickerson of the Appellate Division, Second Department of the New York State Supreme Court. Encompassing 400 pages, this revision provides a critical review of developments in the application of New York state procedures for class actions and comments as well on both parallel and contrasting developments in federal law. The analysis is supported by citations to nearly every reported class action decision in New York and also includes extensive cross-references to law review articles that examine particular aspects of class action practice in greater detail. Like all other content in *Weinstein, Korn and Miller*, revised Article 9 also includes cross-references to relevant forms. Online, all of this rich and interrelated content is only a click away.

Justice Dickerson has served in the Appellate Division since 2006. He has held several judicial positions. Previously, he practiced both as a solo practitioner and as a member of several New York law firms and developed an expertise in class actions, consumer law and travel law. He has written extensively on class actions, consumer law, tax certiorari and eminent domain and on the traveler's rights and remedies. Justice Dickerson is also Editor of Decisions of Interest for the Appellate Division, Second Department and co-author of the annual case Roundup of the Appellate Division, Second Department.

Larson's Workers' Compensation Law and New York Workers' Compensation Handbook

Since 2007, the workers' compensation system in New York has been struggling to put into practice the procedural and substantive reforms mandated by the 2007 Workers' Compensation Reform Legislation enacted on March 13, 2007, as well as a number of initiatives instituted without legislative mandate. In this climate of change, LexisNexis' ***New York Workers' Compensation Handbook*** is celebrating its 10th anniversary and continues to bring clarity to this complex area of the law.

For over 58 years, ***Larson's Workers' Compensation Law*** has been the most trusted name in workers' compensation legal analysis. Originally written by Arthur Larson (1910-1993), the James B. Duke Professor of Law at Duke University Law School and an Under Secretary of Labor, Workers' Compensation Law has been kept in the family and is now guided by his son, noted legal expert Lex K. Larson.

Larson's Workers' Compensation Law and the ***New York Workers' Compensation Handbook*** are invaluable tools for understanding New York workers' compensation issues. *Larson's* provides the now standard framework by which workers' compensation law is organized and understood. The *Handbook* uses this structure to provide a comprehensive description of current New York practice and procedure. When a new workers' compensation issue arises in a New York court, judges and attorneys turn to *Larson's* to see how other states are handling the issue.

Did you know...

Did you know... A heart attack could be a "serious injury" as defined in the No Fault Law? In a case of first impression, the Supreme Court, Kings County, held that a heart attack suffered two years after a pedestrian was injured in a knock-down accident could be a permanent consequential limitation of the use of a body organ and, thus, a "serious injury" as defined in the No-Fault Insurance Law, because defendants had not sufficiently proven that the subsequent heart attack was not caused by the prior accident.

[Warren's Negligence in the New York Courts, Vol.6, Ch. 228, Motor Vehicle Liability](#), discussing [Lewicki v. Longshore](#), 2009 N.Y. Misc. LEXIS 3311, **8-10 (Sup. Ct. Kings Co. Dec. 7, 2009).

Did you know...the application and reporting guidelines for tax exempt organizations were amended?

The New York State Tax Law, and the corresponding Sales and Use Tax regulations issued by the Office of Tax Policy Analysis Taxpayer Guidance Division of the New York State Department of Taxation and Finance, were amended to provide that receipts from the sale of certain property and rendering of services by non-profit organizations described in [N.Y. Tax Law § 1116\(a\)\(4\)-\(6\)](#), are subject to state and local sales and use tax. These exempt organizations are now required to collect state and local sales and use tax on their sales of certain property and services, irrespective of whether such sale is made from a shop or a store. [New York Non Profit Law and Practice with Tax Analysis, Second Edition](#) (see section 14.03).

Questions? Contact:

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Research Tips

[New York Statutory Index Released on Lexis.com](#)

The New York Statutory Index, organized topically, provides references to relevant primary sources including the New York Statutes and the NYCRR. The index, located conveniently alongside NYCLS on [lexis.com](#), is searchable as its own document. You can browse or search the online index, and the index contains links to the referenced source material.

This new online tool gathers related topics together, allowing the customer to view topical material in a single location rather than having to conduct multiple searches to find what they need. For example, if a person is interested in the subject of Adoption, the NY CLS General Index online will allow them to see at a glance references to Domestic Relations Law, Civil Procedure Law and Rules, Family Court Act and Rules (including certain Family court forms), Social Services Law, NYCRR sections, etc. Finding the same material without the index would require either a very broad search or multiple searches within a limited selection of sources.

Additionally, once a customer clicks on a link in the index and it takes them to the desired material, they can then jump back to the index and either choose to look at different material, or perform additional searches. The index utilizes a table of contents view that very neatly presents the alphabet and expands into a list of topics that will keep expanding until the lowest level within that topic is displayed. The customer can search within the table of contents or search within the full index, just as with any source on [lexis.com](#) that contains a table of contents view.

If there are any questions or comments about the online index, the LexisNexis Indexing Department can be reached by calling 1-800-897-7922 or by email to LNG-CHO-Indexing@lexisnexis.com.

Short cuts:

New York Court Rules Search from the NY Register:

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New Rules of Professional Conduct Link:

[Click here for a link to the New Rules of Professional Conduct](#)