

2026 NY Litigation Landmine Map

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Reflects Feb 13, 2026 Chapter Amendments (A.9502 / S8809). Effective April 18, 2026. Cases commenced on or after this date.

1. AVOID ACT: New Impleader Deadlines (CPLR 1007)

WINDOW	REQUIREMENT	PRACTICAL IMPACT
0 to 90 days from Answer	File without court order	Clean window. Identify all targets immediately.
After 90 days	Leave of court required	30-day stipulation extension is the only safety valve.
After 12 months	Court approval + plaintiff consent	Plaintiff consent is nearly impossible. Treat as hard stop.
After Note of Issue	Good cause or interest of justice	High bar. Do not count on this.
Severed actions	Cannot reconsolidate	Two separate actions. Costs double.

CRITICAL: Applies only to cases commenced on or after April 18, 2026. Not retroactive. The 90-day clock starts when your Answer is served.

2. CPLR 2106: Affirmation Overhaul

BEFORE 2026	AFTER 2026
Affidavits required notarization for most sworn statements	Affirmations may be used in lieu of affidavits
Out-of-state attorneys needed NY notary or commission	Removes friction for out-of-state filers
Pre-2026 affidavit language was standard	New statutory format required. Old language = defective pleading

APPLIES TO: Interrogatory answers, verifications, bills of particulars, notices to admit, and other sworn statements in civil practice.

3. Judiciary Law 470: Office Requirement Repealed

The requirement that out-of-state attorneys maintain a physical office in New York has been repealed. Out-of-state counsel can now serve as attorney of record without a brick-and-mortar NY address.

But the unwritten rules have not changed:

- Individual Part Rules still require in-person appearances for many conferences and motions.
- Each NY Supreme Court justice sets their own procedures. These are not in the CPLR.
- Working copy requirements, adjournment protocols, and conference formats vary by judge.
- Some judges will not hear per diem attorneys without binding authority from lead counsel.

4. NYSCEF: Mandatory E-Filing Statewide (January 2026)

All civil actions must now be commenced and maintained through NYSCEF. Common rejection triggers:

- Incorrect exhibit labeling or missing exhibit separators.
- Non-compliant PDF/A formatting or flattening failures.
- Vague or missing document descriptions in the NYSCEF filing menu.
- Working copies still required in some courts despite e-filing. Check Part Rules.

Remember: NYSCEF handles filing. eCourts (WebCivil Supreme) handles calendaring. They do not communicate with each other. Check both.

Need local counsel who tracks every 2026 deadline?

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