# *New York State Unified Courts System Public Access Law Libraries Finding Statues of Limitations*

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This handout describes legal research materials available on-line and in print in New York Court Public Access Law Libraries.

The information provided should be considered a starting point in your research and should not be interpreted as a comprehensive review of the subject or issue in question

# Definition

**statute of limitations:** The time period when a case must be started. For example, New York State has a 6 year statute of limitations for breach of a written contract. If John did not honor a contract with Susan on January 1, 2010, Susan must file her lawsuit before January 1, 2016. If the deadline passes, the "statute of limitations has run," or the claim is "time-barred," and Susan can't sue. There are very few conditions that let the time period be extended or kept from running ("**tolled**"). Definition from nycourts.gov <u>CourtHelp Glossary</u>

# Finding Statutes of Limitations for New York State Law

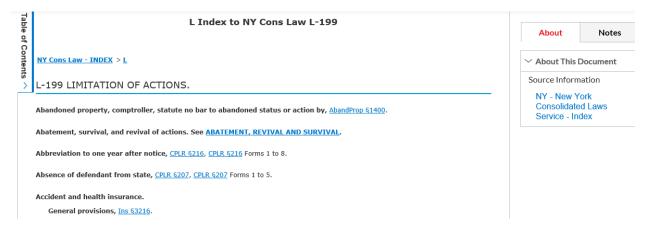
- New York State Statutes Index should be checked under the entry Statute of Limitations.
- Special Note: Westlaw's Practice Commentaries serve as legal essays and should serve as the starting point for research.

## Indexes to New York Laws – LexisAdvance and Westlaw

LexisAdvance and Westlaw both have indexes to their New York Consolidated Laws. If you do not find your topic in one index, try the other.

## LexisAdvance

Type **New York Consolidated Laws Index** in the **Query Box.** LexisAdvance provides a pop-up to this title. Click on the pop-up and scroll down to the **S** and click on the plus sign to list the index entries. Scroll down to **Statute of Limitations** and click on **Limitation of Actions** 



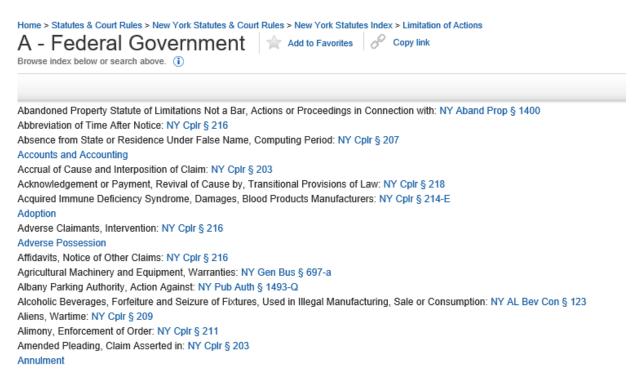
### Westlaw

The Index to McKinney's Consolidated Laws of New York Annotated is under Tools and Resources.

Under S scroll down to the Index entry Statute of Limitations



After Clicking on **Limitation of Actions** > A-Federal Government, you will see a list and the hyperlink to the pertinent New York law.



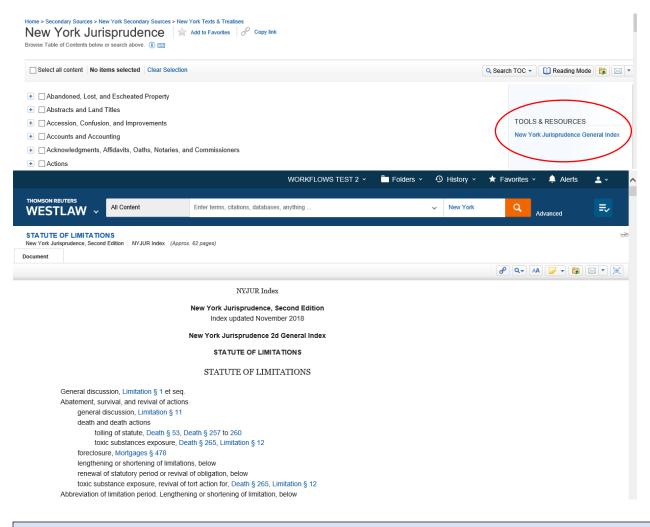
# Discussion

### LexisAdvance

- New York Jurisprudence is available on LexisAdvance, but there is no index. The chapter "Limitations and Laches" provides in-depth discussion on Statute of Limitations.
- New York Civil Practice: CPLR (Weinstein, Korn & Miller) in Table II has the following sections which can be helpful: CPLR Timetable; Statutes of Limitation and Conditions Precedent; Other Timing Issues.

#### Westlaw

New York Jurisprudence and its Index are available on Westlaw. The Index is posted under **Tools and Resources** on the New York Jurisprudence page. After clicking on it, go to S and click on **Statute of Limitations**.



#### Important Disclosures:

#### Legal Advice

NY State Court System staff are pleased to provide you with basic legal information of relevance to New York State courts, caselaw, statutory and regulatory materials from standard legal reference sources. Our court employees, however, may not provide legal advice, interpret the law or assist with the processing of specific motions or cases.

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