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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

What is a Cause of Action?

A *cause of action* is the specific legal right -- triggered by the case's facts -- that entitles plaintiff to sue (e.g. foreclosure or fraud). In practice, courts and lawyers use "claim" and "cause of action" interchangeably. Also the terms "count" (e.g., "Count IV of the complaint") and "legal theory" loosely serve as synonyms for "cause of action."

A case's facts can implicate more than one cause of action against a single or multiple defendants. And plaintiff is authorized to plead causes of action in the alternative.

New York Civil Practice Before Trial § 15:162 Cause of Action

- CPLR 3013, 3014 cover how cause of actions claims should be organized in papers filed with the court.
- Subject treatises go into causes of actions. For example, in *Residential landlord Tenant Law in New York* –searching the text with the term "cause of action" turns up fifty-eight sections that mention the term and applicable tenant-landlord laws.

E-Books

- LexisNexisAnswerGuide New York Matrimonial Actions, Ch 3 Grounds for Matrimonial Actions
- New York Civil Practice Before Trial, Ch 15, Complaint § 15:380 Causes of Action, et seq

LexisAdvance

- New York Statutes & Court Rules Index. Entry term term Causes of Action
- LexisNexisAnswerGuide New York Matrimonial Actions, Ch 3 Grounds for Matrimonial Actions

Westlaw

- New York Statutes & Court Rules Index. Entry term Actions and proceedings
- Carmody-Wait2d Index Entry Cause of Action. Emphasizes court procedures for pleadings.
- New York Elements of Action. Twenty-one chapters for commonly litigated issues includes causes of action, remedies and defenses, statute of limitations, and sample forms.
- New York Jurisprudence Index Entry term Cause of action
- New York Pattern Jury Instructions are written for juries “on the applicable principles of law particular to the case they are hearing. Jurors are instructed to apply those principles of law to the facts as they find those facts to be.” It is an excellent starting point for legal research. The New York Pattern Jury Instructions Companion Handbook (hardcopy only) explains how to best use the PJI.

Westlaw Practical law

- Search Practical Law with the phrase “cause of action” to find sample forms, checklists, and other useful documents.

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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