PRESIDENT'S MESSAGE

SEYMOUR W. JAMES, JR.

Our Legislative Priorities

▼ ince our founding more than 135 years ago, an important part of our mission at the New York State Bar Association has been to promote reform in the law and facilitate the administration of justice. Our Sections and Committees do tremendous work sharing their expertise with policy makers at the state and federal levels, and their reports and recommendations are often approved by our House of Delegates and adopted as positions of the State Bar Association. In addition, each year we choose a handful of particularly important issues as legislative priorities that will be advanced by our leaders with the able guidance of our experienced Governmental Relations staff.

Ongoing Priorities

Our legislative priorities are developed through a process that invites recommendations from all of the Association's Sections and Committees. After an initial review by the Committee on Legislative Policy and the Committee on Federal Legislative Priorities, the Steering Committee on Legislative Priorities makes recommendations to the State Bar Executive Committee for its approval at our Fall meeting. This year in particular, we received a remarkably high number of proposals, and the process resulted in a very substantial and high-quality slate of priorities.

Judiciary

The integrity of New York's justice system is always a primary focus for the State Bar, and we will continue to support reforms that promote an independent, well-functioning judiciary. Our Report on the Impact of Recent Cuts in New York State Court Funding, released in 2012, outlined the various consequences of drastic cuts in the New York State Judiciary budget. We will continue our advocacy in this important area, to ensure that our courts have adequate resources to fulfill the essential role they play in our society.

Civil Legal Services

We support a dedicated revenue stream to ensure appropriate funding for civil legal services. The provision of legal assistance to people in need of basic life essentials is not only a moral imperative, but it also helps our courts run more smoothly - for all parties. In addition, we will continue to advocate for proper funding for the Office of Indigent Legal Services to allow it to carry out its mission and ensure that constitutional standards are met in criminal cases throughout the state. We continue our support for a package of bills intended to prevent wrongful convictions, particularly mandatory recording of custodial interrogations. We were pleased to learn that the New York City Police Department will begin recording all post-arrest interrogations in sex-crime and murder cases, and we are hopeful that this development will pave the way for legislation to be enacted during the 2013 legislative session.

Juvenile Justice

In addition, we continue our focus on New York's juvenile justice system. We support legislation that would require the audio and video recording of any interrogation of a child, as well as a provision that would increase the age of criminal responsibility to 18. New York is one of only two states in which



children age 16 and 17 are prosecuted as adults, in spite of evidence that children under the age of 18 have a significantly diminished capability for reasoned judgment. Currently, children 16 and 17 cannot be prosecuted in the Family Court, where they would have access to valuable programs and services now available only for children charged as juvenile delinquents.

Nonprofits

We continue to support the Business Law Section's proposal to adopt policies and practices commonly used throughout the United States and to eliminate outdated provisions of New York's Not-for-Profit Corporation Law. The proposed reforms would modernize this law to encourage organizations to incorporate and maintain their investment assets in New York; to reduce unnecessary burdens related to formation and operation; and to streamline nonprofit governance in a manner consistent with meaningful oversight. The proposal would eliminate statutory "types" of not-for-profit corporations that create undue complexity and potential dissonance with the Internal Revenue Code, remove

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the need for pre-approval by various administrative agencies before formation and make the statutory framework for non-profit corporations and business corporations more consistent. We believe that these reforms would benefit the enormous and varied nonprofit sector in New York State, which includes foundations, charities, healthcare organizations, service agencies, clubs, cultural institutions, religious organizations, research and educational centers, chambers of commerce, economic development corporations and other organizations.

The Profession

Finally, we will continue our ongoing support for the legal profession, advocating policies that protect the independence of the judiciary, enhance access to the courts and promote the profession, and opposing proposals that pose disadvantages. We will continue our efforts to ensure that attorneys are able to protect clients' interests and effectively engage in the practice of law.

New Initiatives

In 2013, we will also work to support the recommendations included in a Criminal Justice Section report that was adopted by the House of Delegates in 2012. That report proposed implementing a process that would permit sealing individuals' records of conviction for certain offenses. Individuals convicted of certain drug crimes can currently seek to have their records sealed, but there is a broad range of non-violent, non-drug-related offenses for which this is not currently allowed. Under our proposal, individuals convicted of those offenses would be eligible to apply to the court to have their records sealed.

Ongoing Federal Priorities

At the House meeting in November, we also adopted our federal legislative priorities for 2013. We will continue to support appropriate funding for civil legal services at the federal level and the elimination of restrictions that dictate how recipients of Legal Services Corporation (LSC) funds can spend money received from non-LSC sources. We will continue to promote policies that protect the attorney-client relationship. In addition, we will continue to support the Rules Enabling Act rule-making process and to oppose the Lawsuit Abuse Reduction Act. This act would, through a process that is inconsistent with the Rules Enabling Act. reinstate a mandatory sanctions provision that was found to be counterproductive and, in fact, had been removed from the Federal Rules of Civil Procedure in 1993.

In addition, we will continue to advocate for repeal of the Defense of Marriage Act, and to support states' authority to regulate the tort system, legislation and funding to enhance civic education programs, and provisions at the federal level that promote the interests of the legal profession.

At the State Bar, we have also been working to focus attention on the potentially devastating impact on our federal courts and the LSC of the across-the-board cuts associated with sequestration. I expressed my concerns on this major issue in an opinion piece that was published in the New York Law Journal on September 26. On October 9, I submitted the piece to the New York congressional delegation, and our staff alerted the New York State Conference of Bar Leaders about the issue. We then submitted a letter on behalf of the State Bar and 15 local bar associations in the state, urging Congress to carefully consider the impact of sequestration on our courts and the delivery of legal services to people in need. In November, I was joined by several State Bar leaders on a trip to Washington, D.C., where we participated in 21 meetings with congressional representatives and their staff. We presented clear and specific information on the legal and business perspectives during these meetings, and, as this issue of the Journal goes to press, we are continuing to work with business leaders and legal services providers to help raise awareness of this important matter. We are hopeful that by the time of publication, our lawmakers will have agreed upon a constructive solution to avoid sequestration.

We have a very full slate of state and federal legislative priorities this vear, and I want to thank all of vou who submitted recommendations. I look forward to working with our Sections. Committees and Governmental Relations staff to advocate on behalf of these important issues.

