



STATE CAPITOL



NEW YORK STATE BAR ASSOCIATION
LEGISLATIVE PRIORITIES
2014



NEW YORK STATE BAR ASSOCIATION

Integrity of New York's Justice System. An independent, well-functioning judicial system, accessible to all, is a bedrock principle of our democracy. The courts, more than any other arm of government, are the bulwark of liberty. As practitioners we have seen, whether through shortened court hours or delays in proceedings, the impact budget cuts have had on the operation of the court system. The Governor and Legislature must ensure that adequate resources are provided so that the courts can fulfill their essential role.

For the courts to properly do so, all members of society must have access to the courts. An independent judiciary is meaningless if the aggrieved cannot come before it. Government funding is necessary to ensure access to the justice system for the poor and vulnerable. State funding for civil legal services for the poor remains inadequate. Adequate funding via a dedicated revenue stream is necessary and prudent. For the past four years the Judiciary's proposed budget has recognized the substantial unmet need for civil legal services and included funding to implement recommendations to address the need. The investment in civil legal services will save a substantial amount of government dollars that would otherwise be spent for social services, housing and other programs.

Over the past three decades, the caseload of the Family Court has nearly doubled. In addition to the high number of filings, new statutory requirements have increased the time and resources required by each case. Despite this growth in the work for Family Court, few new Family Court judgeships have been created. None have been created in New York City since 1990, and only one was created anywhere in the State in the last decade.

Each and every day our Family Court Judges make extraordinary efforts to give each family the time and attention that these difficult cases deserve. The Association supports the creation of new Family Court judgeships to ensure justice for New York's children and families.

A number of Veterans Treatment Courts, like the very successful court in Buffalo, have been established across the state. The Association has been at the forefront of supporting the broader establishment of Veterans Treatment Courts as an effective means to balance the needs of our communities and those who have served our country.

Wrongful convictions cast serious doubt on a fundamental assumption of our criminal justice system—that the innocent are protected. It is essential that our criminal justice system ensures that the innocent remain free and that the guilty are not free to commit more crimes. The eradication of wrongful convictions is essential to maintain the public's trust and confidence in our criminal justice system. Two of the root causes of wrongful convictions—false confessions and flawed eyewitness identification procedures—must be addressed. To this end, the Association has drafted legislation intended to avoid wrongful convictions. The legislation would mandate the electronic recording of custodial interrogations, including juveniles, and establish a procedure for law enforcement to follow when conducting eyewitness identifications.

New York's correctional system makes heavy use of solitary confinement. A growing body of research is showing the serious detrimental effects of solitary confinement. Out of respect for the dignity of the individual, and concern for the consequences when individuals are released from prison, the Association supports efforts to greatly lessen the use of solitary confinement within the parameters of maintaining a safe prison system.

David M. Schraver, *President*
Glenn Lau-Kee, *President-Elect*

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Sealing Records of Conviction of Certain Crimes. New York law provides for the sealing of records of a limited number of crimes. There are many misdemeanor and non-violent crimes to which the sealing provisions do not apply. The consequences of a conviction can follow a person for the rest of his or her life, interfering, if not preventing, the person's reintegration into the community. Under the right circumstances, a fully reformed person, a person who has committed no further criminal acts, should have the opportunity to move forward without all the collateral consequences that follow a long-past conviction. The Association supports legislation that would allow a person who has been convicted of certain offenses to apply to the court to have their record sealed.

Franchise Act. The New York Franchise Act has been in effect since 1981. It differs from the franchise registration and disclosure laws in other states. Its unique approach creates unnecessary risks. In many ways, it creates traps for the unwary and uncertainties in the application of the law. The Association supports amending the Franchise Act to address these concerns. Doing so would make New York more attractive to franchisors for locating their headquarter operations in the State, thereby, attracting jobs and economic benefits.

Support for Our Democratic Ideals.

Civics Education – Democracy depends upon an educated citizenry. A core mission of the Association is to foster an understanding and respect for democracy and the rule of law. The Association supports the enactment of public policy to require the incorporation of civics education in all grades, and the appropriate funding to implement this policy, to ensure an understanding of our system of government.

Increased Voter Participation – New York's voter participation rates have continued to decline. This trend must be reversed. The Association supports changes to the law relating to voter registration and voting practices to make it easier to register and vote.

Support for the Legal Profession. A core mission of the New York State Bar Association is to represent the interests of the legal profession. In that regard, the Association will work to protect the independence of the judiciary, enhance access to the courts, promote affirmative legislative proposals that benefit the profession, and oppose those proposals that would burden it. The Association will work to ensure that attorneys are able to protect their clients' interests and effectively engage in the practice of law.



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One Elk Street, Albany, NY 12207
518.463.3200
www.nysba.org