



NEW YORK STATE BAR ASSOCIATION

FEDERAL LEGISLATIVE PRIORITIES

2018



NEW YORK STATE BAR ASSOCIATION

Integrity of the Justice System. At all levels of government 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. Accordingly, Congress should appropriate adequate funding for the federal judiciary.

Support for the Legal Services Corporation (LSC). LSC is an independent nonprofit established by Congress in 1974 to provide financial support for civil legal aid to low-income Americans. LSC promotes equal access to justice by providing funding to independent non-profit legal aid programs across the country. New York has seven LSC grantees: Legal Aid Society of Mid-New York, Legal Aid Society of Northeastern New York, Legal Assistance of Western New York, Legal Services NYC, Legal Services of the Hudson Valley, Nassau/Suffolk Law Services Committee, and Neighborhood Legal Services (Buffalo). LSC grantees serve low-income individuals, children, families, seniors, and veterans. It is critically important that Congress provide adequate funding for LSC in order to provide access to justice for those who need assistance.

Support Criminal Justice Reform. The Sentencing Reform and Corrections Act of 2017 would reduce mandatory-minimum sentences for certain non-violent repeat drug offenders and provide judges with greater discretion when determining appropriate sentences. However, defendants convicted of serious violent felonies and serious drug felonies – “Drug Kingpins” – would not benefit from these reforms. Further, the bill would limit the use of solitary confinement for juveniles and implement provisions to allow sealing of records of conviction for some juveniles. The Association supports this bill because it would implement improved public policy relating to sentencing and corrections, while reducing the cost of the federal corrections system.

Pamela McDevitt
Executive Director

Ronald F. Kennedy
Director of Governmental Relations

FEDERAL LEGISLATIVE PRIORITIES FOR 2018

Support legislative reform to address the state of crisis in

Immigration Representation. The condition of immigrants who face civil immigration detention, removal and likely permanent expulsion from the United States is often undermined by the lack of available competent counsel necessary to navigate the “labyrinthine character of modern immigration law.” Without competent counsel in immigration proceedings, a vast majority of noncitizens are ill-equipped to know where to turn for help or how to proceed in an immigration matter. The Association is committed to enactment of a statutory right to appointed counsel to ensure justice for that community of immigrants who are confronted with legal proceedings.

Support for states’ authority to regulate the Tort System. Laws covering the area of civil justice are truly the province of state legislatures, the judiciary, and voters. For over 200 years the authority to promulgate “tort law”, including law relating to liability for medical errors, has rested with the states, which have the experience and expertise with these matters. The federal government should leave it to the states to determine how best to provide access to the courts for the injured to exercise their right to seek compensation for their injuries and to make reasonable adjustments to the system.

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.

Sharon Stern Gerstman
President

Michael Miller
President-Elect





NEW YORK STATE BAR ASSOCIATION

One Elk Street, Albany, NY 12207

518.463.3200

www.nysba.org