



NEW YORK STATE BAR ASSOCIATION

FEDERAL LEGISLATIVE PRIORITIES 2015



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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, sequestration, which was imposed by the Budget Control Act of 2011, should be eliminated. The Association will continue to urge federal policymakers to address important fiscal issues so as to prevent impairing access to justice. If the budget sequestration process remains in place, it will cripple the operation of the federal courts and the Legal Services Corporation, thereby limiting access to the justice system for individual New Yorkers and business entities.

Support the Paycheck Fairness Act. The Act would amend the portion of the Fair Labor Standards Act of 1938 (FLSA), known as the Equal Pay Act, to revise remedies for, enforcement of and exceptions to prohibitions against sex discrimination in the payment of wages.

Support increased voter participation. In the United States, voting is one of our most fundamental rights, ensuring our ability to participate in the electoral process. However, the rate of voter participation is of concern throughout the nation. Measures to remove barriers to registration and voting and to encourage participation, while maintaining the integrity of the process, could go a long way to improve civic engagement and enhance our democracy. In particular, the Association supports the Voting Rights Amendment Act, which responds to the U.S. Supreme Court's decision in *Shelby County v. Holder* regarding protection, under the Voting Rights Act of 1965, against racial voting discrimination. The legislation would provide for a new approach to determining which jurisdictions are "covered" for purposes of preclearance under Section 5 of the law.

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 sanctions under U.S. laws on immigration.

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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 with and expertise in 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 lawyers and 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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