



NEW YORK STATE BAR ASSOCIATION

STATE LEGISLATIVE PRIORITIES
2019



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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 a strong interest in the impact of the Judiciary Budget on the operation of the court system. The Governor and Legislature must appropriate adequate resources, which should be wisely and clearly administered by the courts, to ensure that they fulfill their essential role. Moreover, in order to enhance the independence of judges, it is necessary to protect judicial pay and pension benefits and to eliminate the so-called “Death Gamble.”

Reform Statutory Power of Attorney. The statutory power of attorney is one of the most widely-used legal documents, permitting the naming of an agent to manage financial affairs. However, under the current statute, the power of attorney is too complicated and expensive for consumers. The Association has developed an affirmative legislative proposal in order to: (1) Simplify the current power of attorney form; (2) Prevent third parties from improperly refusing to accept a consumer’s valid power of attorney; (3) Provide protection for third parties who follow the process for accepting a power of attorney; and, (4) Authorize language in the power of attorney form that substantially conforms with the statutory language, in order to prevent the harsh consequence of the form being invalidated because of harmless error in the form.

Right to Discovery in Criminal Justice Matters. The Association’s proposal would amend the criminal procedure law and the penal law, regarding discovery, pretrial motions, securing attendance of witnesses by subpoena, motion to suppress evidence, and tampering with a witness or intimidating a victim. The legislation would modernize and make the criminal discovery rules and process fairer, while providing measures to ensure the safety of witnesses.

Mandated Representation Assigned Counsel Compensation Rate Increase. Rates were last increased in 2004, when they were increased to \$60 per hour for misdemeanor or lesser offenses, and \$75 per hour, for all other cases governed by County Law Article 18-B. Rates of compensation to all assigned counsel should be increased to prevent the exodus of practitioners from representation panels across the state. A shortage of lawyers to represent indigent defendants undermines the administration of justice in New York State.

Michael Miller
President

Henry M. Greenberg
President-Elect

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Consumer Protections Related to Online Providers of Legal Documents. This proposal would require, that: (1) consumers be informed that such forms are not substitutes for advice from an attorney; (2) a New York lawyer has reviewed all of the form templates to ensure accuracy; (3) consumers be provided a means to see the blank templates or final completed documents before they pay for a final version; and, (4) online providers of legal documents shall not require consumers to agree to jurisdiction or venue in any state other than New York for resolution of disputes between providers and consumers.

Increase Voter Participation. New York's voter participation rates have continued to decline. In order to reverse that trend, the Association supports changes to the law relating to voter registration and voting practices to make it easier to register and vote. Some of these changes would modernize the registration process, allow pre-registration of 16 and 17 year-olds, allow election-day and same-day registration, and prevent deceptive practices.

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, and promote affirmative legislative proposals that benefit the profession. It is just as important to oppose those proposals that would burden the profession. 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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