



NEW YORK STATE BAR ASSOCIATION

FEDERAL LEGISLATIVE PRIORITIES

2019



# 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 to ensure optimal functioning of the federal judiciary.

**Support for the Legal Services Corporation (LSC).** LSC is an independent non-profit corporation 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 legal aid programs across the country. New York has seven such 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 Association supports legislation that would reform many aspects of our nation's criminal justice system. In particular the Association supports provisions to: reduce certain mandatory-minimum sentences, provide judges with greater discretion when determining appropriate sentences, limit the use of solitary confinement of juveniles, allow sealing convictions of juveniles in certain circumstances, and preserve cooperation incentives to aid law enforcement in tracking down kingpins.

**Support the right to counsel in Immigration Proceedings.** 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 non-citizens 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.

Micheal Miller  
*President*

Henry M. Greenberg  
*President-Elect*

# FEDERAL LEGISLATIVE PRIORITIES FOR 2019

**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.

**Sealing records of conviction of certain crimes.** Federal law should allow those convicted of non-violent federal offenses, whom have since shown themselves to live a law-abiding life, to petition the court to have records of their conviction sealed. The consequences of a conviction can follow a person for the rest of his or her life, interfering with -- if not preventing -- the person's successful reintegration into the community. Under the right circumstances a reformed 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 federal legislation that would allow a person who has been convicted of certain offenses to apply to the court to have their record sealed.

**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.

Pamela McDevitt  
*Executive Director*

Ronald F. Kennedy  
*Director of Governmental Relations*





NEW YORK STATE BAR ASSOCIATION

One Elk Street, Albany, NY 12207

518.463.3200

[www.nysba.org](http://www.nysba.org)