



NEW YORK STATE
BAR ASSOCIATION

STATE LEGISLATIVE PRIORITIES 2025



NEW YORK STATE BAR ASSOCIATION

STATE:

The New York State Bar Association (NYSBA) has been the voice of the legal profession in New York for almost two centuries. Our mission is to shape the development of law, educate and inform the public. NYSBA advocates for legislation to promote equal access to justice for all.

An independent and well-functioning judicial system, accessible to all, ensures equal justice. NYSBA will work to protect the independence of the judiciary as a co-equal branch of government, enhance access to the courts, and promote affirmative legislative proposals that benefit the legal profession. Further, the Association will work to ensure that attorneys are able to protect their clients' interests and effectively engage in the practice of law.

Protecting Legal Representation: NYSBA urges the enactment of legislation to the secure right to counsel for children and families, homeowners, and immigrant New Yorkers:

Right to Counsel for Children and Families: *Miranda* protection should be afforded for juveniles as well as parents and caretakers who are the subject of child protective services investigations. There is currently no legal obligation to notify a child's parent or caretaker of their right to consult with an attorney, the right to refuse to disclose personal information about the family, or the right to refuse to allow the caseworker to conduct a search of their home before a court order has been obtained. As a result, too many parents and caregivers are unaware of their rights in this regard. Likewise, as children often may have only a limited understanding of *Miranda* rights, the need for the involvement of legal counsel to safeguard children's rights before questioning is vital.

Immigrant New Yorkers facing deportation: With the recent and continuing increase of immigrants entering New York State and the complexities of our current system, guaranteeing access to counsel is the only way to ensure access to justice, equal protection, and due process under the law for this vulnerable population.

Housing Proceedings: New York State should establish a right to counsel for low income tenants involved in housing defense proceedings. Housing law is complex and difficult to successfully navigate without a lawyer. Unfortunately, most tenants cannot afford to hire counsel and currently free legal services available do not match the scale of need.

Support funding for Indigent Legal Services and increase the rate of compensation for attorneys who provide mandated representation:

After nearly two decades of flat rates of payment for assigned counsel, in 2023 New York State harmonized the assigned counsel rates with those that had been used on the federal level. However, future state funding is not guaranteed. Rates of compensation to assigned counsel must continue to be met and increased to stop the exodus of practitioners from indigent representation panels across the state. The resulting shortage of lawyers representing indigent defendants and minors undermines access to justice in New York State. The Association will continue to advocate for appropriate funding and a mechanism for increases going forward.

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Medical Aid in Dying (MAID):

NYSBA urges the enactment of legislation that relates to a terminally ill patient's request for and use of medication for medical aid in dying. The Association's Task Force on Medical Aid in Dying thoroughly evaluated the legal, ethical, public health considerations, while also assessing the impact on families, healthcare providers, nursing homes and correctional facilities, recommending NYSBA support the measure. MAID offers both dignity and compassion for those experiencing a terminal illness and grappling with what can be an extremely difficult time in their lives, while also putting several safeguards in place to ensure prevention of abuse and/or coercion.

Student Loan Relief:

NYSBA urges enactment of legislation to expand the eligibility period for Indigent Legal Service (ILS) attorneys to receive certain loan forgiveness and increase loan reimbursement for ILS attorneys. When debilitating student loan payments prevent young people from pursuing a legal career, the result is a dearth of attorneys in underserved areas. This leads to a collapse in accessing justice in underserved areas.

Easing Unnecessary Notary Record Requirements:

There is no statutory basis for record keeping and retention requirements for Notaries Public prior to the recent passage of the electronic notarization legislation. The Legislature has long and correctly rejected efforts to statutorily impose such record keeping requirements. Recently implemented record keeping requirements are overbroad to address perceived concerns. NYSBA urges the repeal of unnecessary record keeping requirements.

In addition to these priorities, the Association also advocates other critical issues of importance to the legal profession and those they serve. We look forward to discussing these and other policy issues that may arise during the year as events warrant. Policy and contact information can be found at www.nysba.org/governmentrelations/.

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