



NEW YORK STATE BAR ASSOCIATION

FEDERAL LEGISLATIVE PRIORITIES

2024



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FEDERAL:

We appreciate the opportunity to present the New York State Bar Association's legislative priorities for 2024. We respectfully request our Executive and Legislature to consider the provisions we believe will be imperative to ensure access to justice and the integrity of our justice system.

The New York State Bar Association (NYSBA) has been the voice of the legal profession in New York for more than 140 years. Our mission is to shape the development of law, educate and inform the public, and respond to the demands of our diverse and ever-changing legal profession. NYSBA advocates for state and federal legislation and works tirelessly to promote equal access to justice for all.

We live in a fast-changing world with the State Legislature and Congress having to act quickly to respond to health, safety and political events. This document is intended to serve as a blueprint for NYSBA action for 2024, but we recognize the Association will need to be responsive to events and adjust priorities as necessary throughout the year. Flexibility may be critical. However the year develops, the Association will continue to be a staunch advocate for policies that promote our core values and mission to promote equal access to justice for all.

We welcome the opportunity to discuss these priorities with you.

Specific Legislative Proposals:

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 complexities 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. NYSBA 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.

Firearms and Mass Shootings:

The United States has more mass shootings and more casualties from mass shootings than any other developed country in the world. NYSBA convened a task force on Mass Shootings and Assault Weapons in an effort, based on available data, to understand the incidence and causes of mass shootings, and to make recommendations that offer a reasonable chance to reduce the number of mass shootings while respecting the Second Amendment. Based on the findings of the Task Force report, the Association supports several legislative initiatives including bans on assault weapons, improvements on background checks and an expansion of the category of individuals who are prohibited from purchasing or possessing firearms. The full list of legislative recommendations can be found here: <https://nysba.org/app/uploads/2020/11/12.-Final-Report-11.5.2020-Task-Force-on-Mass-Shootings-and-Assault-Weapons-With-cover-FINAL.pdf>

Integrity of Federal Justice System and Support for the Profession:

At all levels of government, an independent and well-functioning judicial system accessible to all is a bedrock principle of our democracy. In order to protect the structure that has served our country well for over 200 years, Congress should provide appropriate funding to ensure fully functioning courts that will provide equal access to justice for all and preserve the power of the states to promulgate tort law. Through its advocacy, the Association will continue to work to ensure that attorneys are able to protect their clients' interests and effectively engage in the practice of law.

Legal Services Corporation (LSC) Funding:

LSC is an independent non-profit corporation established by Congress in 1974 to provide financial support for civil legal aid to low-income Americans to promote equal access to justice. New York has seven LSC grantees that serve low-income individuals, children, families, seniors, and veterans throughout the state and in every congressional district. It is critically important that Congress provide adequate funding for LSC in order to provide access to justice for those who need assistance.

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Sealing Records of Criminal Conviction:

The collateral consequences of criminal convictions are numerous and profound, perpetuating a cycle of unemployment and disenfranchisement which can lead to recidivism. The general trend within the criminal justice reform movement has been toward facilitating productive reentry into the social fabric for ex-offenders. Although a majority of states, including New York, have some form of record sealing or expungement, there is still no federal law. The Association supports allowing those convicted of non-violent federal offenses to petition the court to have records of their conviction sealed.

Sexual Orientation and Gender Identity Protection:

The Equality Act would expand the protected category of “sex” to include “sexual orientation and gender identity” and provide additional protections within the new expanded category. It would bar discrimination in employment, public schools, housing, credit opportunities, juries, public accommodation, and federally funded programs on the basis of sex, gender identity, and sexual orientation. The Association proudly supports the bill because “[e]very person should be treated with respect and dignity and should be able to live without fear, no matter who they are or whom they love” (see Section 1, 1/20/21 Biden Executive Order).

Student Loan Relief:

More than 40 million Americans, mostly people under 35 years of age, have student loan debt. While Congress and the Administration have provided some relief, more needs to be done including extending the moratorium on payments, expanding the program to private loans, and providing targeted monetary relief in cases of economic hardship. When debilitating student loan payments prevent young people from pursuing a legal career, the result is a dearth of attorneys, particularly in underserved areas.

Voting Rights:

The right to vote is a fundamental value guaranteed by the United States Constitution. It establishes a benchmark for public participation and must be protected and preserved. The Association supports measures that increase voter participation and inclusion of all communities; prevent discriminatory voting practices anywhere in the United States; and protect access to the ballot and the sanctity of the vote.

Women’s Rights and a Federal Right to Abortion:

The U.S. Supreme Court ruling in *Dobbs v. Jackson Women’s Health Organization* denied women their right to be equal citizens and their right to privacy under the 14th Amendment. The Court’s decision to roll back individual rights, particularly in area that was considered settled law, is deeply disturbing. As lawyers, we are sworn to uphold the law, and as a state bar association, we advocate for individuals who are not treated equally under the law. Congress needs to act to protect the rights of all individuals and ensure the right to abortion services and care.

In addition to these priorities, the Association also advocates on 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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