



The New York State Bar Association's Government Relations 2026 Legislative Session Update

By: Matthew Pennello, Director of Government Relations

2026 marked the second year of the New York State Legislature's biennial cycle, and it resulted in legislative progress in several notable NYSBA policy areas, including immigrant protections, firearm safety, court access, criminal justice, and legal services funding. Through sustained advocacy by NYSBA leadership, sections, committees, and members, the Association helped secure meaningful successes in the final State Budget and in legislation that passed both houses, including immigrant protections, firearm safety reforms, support for IOLA, and several bills supported by NYSBA policy.

NYSBA's advocacy this year focused on preserving due process, strengthening access to counsel, supporting the independence and effective operation of the Judiciary, protecting the legal profession, and advancing policy adopted by the Association's House of Delegates. The [Association's 2026 State Legislative Priorities](#) emphasized access to justice, the legal profession, support for courts and the Judiciary, and policies intended to ensure that attorneys can protect their clients' interests and effectively engage in the practice of law. Several core NYSBA priorities continue, including enacting long-term funding reforms for assigned counsel and attorneys for children, broader civil legal services support, housing and immigration representation, family and juvenile rights, and other reforms affecting the legal profession.

NYSBA Advocacy Successes in the State Budget

The 2026- 2027 State Budget was enacted several months late, resulting in a highly truncated non-budgetary legislative session, but it also delivered several important NYSBA advocacy successes. NYSBA was supportive of measures advancing immigrant protections, strengthening firearm safety laws, supporting the legal system, and addressing the needs of the Judiciary. NYSBA also continued to stress that access to justice depends on sustained investments in legal services, public defense, assigned counsel, attorneys for children, immigrant representation, and civil legal services. Like many pieces of legislation this year, the policies were included in the final enacted state budget, which took up the bulk of the session.

NYSBA's advocacy helped secure a step in the right direction for the Interest on Lawyer Account (IOLA) Fund in the final State Budget. While additional sustained funding remains necessary, the final budget

Matthew Pennello | Director of Government Relations | mpennello@nysba.org

NYSBA.ORG/GOVERNMENTRELATIONS

recognized IOLA's central role in New York's civil legal services infrastructure. The IOLA Fund remains a critical pillar of New York's civil legal services infrastructure, supporting legal assistance for low-income New Yorkers facing matters involving housing, family stability, immigration, consumer issues, and other fundamental needs. Beginning with [our testimony before the joint fiscal committees of the Legislature](#), NYSBA emphasized that IOLA funds are generated from pooled interest on lawyers' trust accounts, at no cost to taxpayers, lawyers, or clients, but still require appropriation to be used effectively.

The Association also continued to urge Governor Hochul and Legislative leaders to address the long-term needs of assigned counsel and attorneys for children. NYSBA continues to advocate for a permanent mechanism for regular rate review and adjustment for assigned counsel and attorneys for children, consistent with the Association's long-standing commitment to due process and effective representation.

NYSBA State Legislative Policy

Immigration Protections and Due Process

One of the most significant developments in the final budget was the inclusion of immigration protections designed to safeguard access to courts, schools, health care facilities, and other essential public spaces, while limiting the use of state and local resources for civil immigration enforcement. Due process and access to justice must be preserved for all New Yorkers, regardless of immigration status.

Immigration law and enforcement remain rapidly changing areas. NYSBA's Immigration Representation Working Group is reviewing recent United States Supreme Court decisions and related developments and is developing programming to help members and the public understand and respond to this evolving legal landscape.

NYSBA also continued to support broader access to counsel for immigrant New Yorkers facing deportation. The Association's 2026 legislative priorities called for establishing a right to counsel for immigrant New Yorkers facing deportation, recognizing that the complexity of immigration proceedings and the consequences at stake require meaningful access to representation.

Firearm Safety and Public Safety

The enacted budget included provisions addressing ghost guns, 3-D printed firearms, and related firearm technology. NYSBA supported these measures as consistent with Association policy supporting evidence-based firearm safety reforms and efforts to reduce the danger posed by untraceable weapons, and has advocated for adoption of these measures since 2020 in our [Report and recommendations of the Task Force on Mass Shootings and Assault Weapons](#).

Several additional public safety and criminal justice measures moved during the session. NYSBA will continue to review criminal justice and public safety legislation through the lens of constitutional protections, due process, public safety, and Association policy.

Matthew Pennello | Director of Government Relations | mpennello@nysba.org

NYSBA.ORG/GOVERNMENTRELATIONS

Civil Justice and Motor Vehicle Liability

NYSBA opposed changes ultimately included in the enacted budget limiting recovery for pain and suffering in certain serious motor vehicle injury cases, as they created statutory caps on non-economic damages, substituting the judgment of judges and juries with a legislative ceiling.

Pain and suffering damages compensate for the human consequences of serious injury, including chronic pain, physical limitation, trauma, disfigurement, loss of independence, and loss of enjoyment of life. NYSBA will continue to urge that major changes to New York's civil justice system be considered through the regular legislative process, with the benefit of full public debate and input from the bench, bar, stakeholders, and the public.

Judith Kaye Solutions Not Suspensions Act

NYSBA policy supported legislation relating to school codes of conduct, and disciplinary action on school property named for former Chief Judge Judith Kaye and supported by the 2023 Task Force on Racism, Social Equity and the Law report. The bill addresses disproportionality in academic outcomes for students can be reduced through early screening and intervention. The Education Department should expand the current developmental screening to require that all children be screened regularly. This bill did not move this session.

The Legal Profession

The Association also continued to support student loan relief for indigent legal service attorneys, including expanded eligibility and increased loan reimbursement. Recruitment and retention of attorneys serving low-income clients, families, children, criminal defendants, and vulnerable populations remain critical to the effective delivery of justice.

Both bills passed one house; however, the time constraints of a disproportionately late budget prevented them from making it to the floor in the other.

NYSBA continued to advocate for reforms affecting the practice of law and the legal profession. The Association's 2026 legislative priorities included repeal of recordkeeping and retention requirements for attorney notaries, which NYSBA has opposed as overly broad and inconsistent with the role of attorneys already governed by extensive ethical obligations.

A full list of the bills NYSBA advocated for this session can be found here: [2025 and 2026 Legislative Memoranda - New York State Bar Association](#).

In addition to the budget, several bills supported by NYSBA policy, sections, or committees passed one or both houses during the 2026 session. These measures reflect the substantive work of NYSBA members in developing policy, drafting memoranda, and engaging with lawmakers throughout the legislative process:

Matthew Pennello | Director of Government Relations | mpennello@nysba.org

NYSBA.ORG/GOVERNMENTRELATIONS

- **Pleas to Certain Lesser Offenses**: Legislation advanced to allow guilty pleas entered in the interest of justice with the permission of the court and the consent of the People. NYSBA supported this legislation as a criminal justice reform measure intended to provide appropriate flexibility in resolving cases. The bill was recommended by the Criminal Procedure Law Task Force Report, passed by the House in 2026.
- **Capacity of a Defendant to Stand Trial**: Legislation relating to capacity determinations and restoration services passed both houses. NYSBA supported this legislation, which is intended to improve procedures involving defendants whose competency to proceed is at issue.
- **Court of Claims Pleading Defects**: Legislation passed both houses to permit amendment of a claim or notice of intention to file a claim to correct jurisdictional pleading defects and to establish a procedure for dismissal based on alleged noncompliance with jurisdictional pleading requirements. This measure was supported by NYSBA's Torts, Insurance and Compensation Law Section.
- **Statewide Supervised Visitation Initiative**: Legislation passed both houses establishing a statewide supervised visitation initiative through the Office of Victim Services, in consultation with the Office for the Prevention of Domestic Violence, to support safe and structured parenting time. This bill was supported by the Committee on Children and the Law.
- **Juvenile Delinquency Discovery**: NYSBA-supported legislation relating to discovery provisions in juvenile delinquency proceedings remained part of the Association's access-to-justice and children's rights advocacy. This bill was supported by the Committee on Children and the Law report.

Member Advocacy in Action

NYSBA also demonstrated the strength of member-driven advocacy during the two-year legislative cycle, using its advocacy platform to mobilize hundreds of members on priority issues. Then President Kathleen M. Sweet launched member campaigns urging action to protect Legal Services Corporation funding and to oppose proposed statutory caps on non-economic damages, with hundreds of members taking action on each campaign.

Through these campaigns, members made clear that access to justice and the integrity of New York's civil justice system are not abstract policy concerns, but issues that directly affect clients, communities, and the fair administration of justice. NYSBA emphasized that caps on non-economic damages impose arbitrary limits on recovery, disproportionately affect the most seriously injured, and undermine the case-by-case review already performed by courts and juries. These efforts reflected the Association's broader strategy of pairing formal advocacy with active member engagement on issues central to the legal profession and the rule of law.

Matthew Pennello | Director of Government Relations | mpennello@nysba.org

NYSBA.ORG/GOVERNMENTRELATIONS



Committee and Section Legislative Action

The New York State Bar Association has 27 sections and over 60 committees and task forces in which members participate. Many of these bodies were legislatively active in the 2026 session, [with over 100 memos in support or opposition of legislation submitted to the Legislature](#). Government Relations will continue to work with members throughout the rest of the year on their advocacy for bills that will go before the Governor. Legislative updates for specific committees and sections are available on our website.

If your Committee or Section is interested in submitting a memo in support or opposition of pending legislation, or commenting on a regulatory change, please contact our Director of Government Relations Matthew Pennello at mpennello@nysba.org.

Continued Advocacy and Unfinished Business

Although the 2026 session produced meaningful progress, significant work remains. NYSBA will continue advocating for a right to counsel for immigrant New Yorkers facing deportation, a right to counsel in housing proceedings, legal protections for families and juveniles in child protective and law enforcement contexts, sustainable funding for assigned counsel and attorneys for children, civil legal services funding, student loan relief for public service attorneys, and reforms affecting the practice of law.

NYSBA will also continue to monitor the implementation of enacted budget provisions and legislation affecting access to justice, the courts, civil justice, criminal justice, immigration, and the legal profession. Over the summer and fall, the Government Relations team will work with the Governor's office, Legislature, courts, sections, committees, and Association leadership to advance NYSBA policy and prepare for the next legislative cycle.

Conclusion

The 2026 Legislative Session produced concrete advocacy successes on immigrant protections, firearm safety, IOLA funding, access to public institutions, and several NYSBA-supported bills, while leaving important work for the next legislative cycle. As stated previously, NYSBA remains concerned about statutory limits on recovery for pain and suffering in certain serious motor vehicle injury cases and continues to press for long-term investments in legal services, assigned counsel, attorneys for children, immigrant representation, and broader access to justice.

NYSBA's Government Relations team looks forward to continuing this work with the Association's sections, committees, leadership, and members as we move into the next phase of advocacy.

Thank you to our members who participated in NYSBA advocacy! Check back later in the year for more updates.

Matthew Pennello | Director of Government Relations | mpennello@nysba.org

NYSBA.ORG/GOVERNMENTRELATIONS

