

PRESIDENT'S PERSPECTIVE

WILLIAM H. MERGNER JR.

Leading With a Steady Hand

Editor's note: William H. Mergner Jr. was installed as the 126th president of the New Jersey State Bar Association at the Annual Meeting and Convention on May 16 in Atlantic City. This is an excerpt of his installation speech. It has been edited for brevity and clarity.



It is the greatest privilege of my professional life to serve as president of the New Jersey State Bar Association. From humble origins in 1899, with only 15 trustees and seven committees, the Association has evolved into the institution it is today through generations of service around the belief that our profession is never stronger than when attorneys speak with a

unified voice. With upwards of 16,000 members, the Association is the largest and most indispensable advocate for attorneys, judges, paralegals, clerks and law students in New Jersey.

During the past five years, the legal profession has undergone a greater transformation than it had in the last 50. Beginning with the pandemic in 2020 through to the judicial vacancy crisis in 2023, lawyers, judges and litigants have lived through many challenges and changes to the way we serve our clients and the public. That has only increased the pressure on the justice system and on the lawyers and judges essential to its function. This pressure continues today as vacancies remain high while those in power have declared the crisis is over. Simultaneously, a new judicial crisis may emerge.

In recent weeks, the Association learned the state Senate is

considering a constitutional amendment that would shift control of Appellate Division appointments to the Governor and Senate – an authority that, with good reason, is constitutionally granted to the Chief Justice. The damage that would result from such an amendment is immeasurable. It would threaten the independence of the Judiciary, further expose the courts to the political process and likely create a vacancy crisis in the Appellate Division, which does not exist now. I want to be clear that the Association firmly opposes this proposal and will remain the Judiciary's strongest advocate in promoting its independence and essential role as a co-equal branch of government.

The current process for appointing appellate judges is non-political, is based on merit and experience, and there is a try-out before you are elevated. Also, there has been zero public outcry regarding the quality of our appellate court.

Contrast that with the struggles we have witnessed to fill vacancies in both the Superior Court and Supreme Court under the leadership of the same people who now want to bring this process to our intermediate appellate court.

The suggestion that we should change the selection process seems to have less to do with whether the process works and more to do with who should have the power to control the process. The NJSBA urges those who are involved in this struggle to engage in a thoughtful dialogue to ensure that the current system remains in place. This is a unique moment in the history of our democracy and the legacy of the courts in New Jersey, which are considered among the best in the country. The legacy of those involved in the process will be written in large part based upon how this issue is resolved. The NJSBA supports the current selection process for Appellate Division

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judges, one that has been in place for 75 years, and will continue to engage stakeholders and decision-makers to preserve that system.

We have also spoken about the NJSBA's advocacy and initiatives on attorney wellness and mental health. We are gratified to see that the Supreme Court has seen the results of the surveys evidencing the mental health crisis facing lawyers. We are appreciative of the Court scheduling listening sessions around the state during in which many of the same sentiments were expressed, along with specifics

hope that through continued dialogue we can find solutions that tell lawyers that their mental health is a priority.

The NJSBA has been and will continue to be a relentless and effective advocate on the important issues affecting our members, their clients, the profession and the judicial system. Two issues that we will be laser focused on this year is the impact of artificial intelligence on the practice of law, which has been a significant focus of this year's convention, and non-attorneys effectively practicing law and owning law firms, which is being allowed in some western states.

In the next year, I pledge to further the

bling developments that threaten the role lawyers play as officers of the court, independent and free from the influence of those who would compromise our ethics for the sake of profit.

During my tenure, the NJSBA will continue to be a national leader in the fight against the proliferation of non-lawyer legal service providers and non-lawyer-owned law firms. I pledge to continue this important work to ensure the practice of law is always driven by lawyers.

I cannot emphasize enough the influence our Association has when our members are engaged. As we all know, when the state bar mobilizes around a cause, we

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examples of how the court system functions, at times, in a manner that exacerbates those pressures. We are optimistic that the Court is listening.

The NJSBA also recognizes that with the end of the pandemic, influx of judges and the backlog of cases in our system, the Court has developed broad guidelines seeking to reduce that backlog substantially over the next three years. Those guidelines place great discretion in the hands of judges, who have also been burdened with the task of moving cases while short staffed. The NJSBA is not here to challenge the Court's authority to implement changes to help reduce the backlog. Instead, we challenge the Court to use that authority in a manner that tells lawyers that you weren't just listening, but that you heard us.

The crisis is real and the stakes are high. We have always been appreciative of the Court's willingness to have a dialogue on issues that impact lawyers, and

Association's review of the complex legal and ethical questions raised by AI and how attorneys can best use the technology to their advantage. We will look to a recent report by the NJSBA's Task Force on Artificial Intelligence in the Law as a guide on how to address these issues. We will advocate for a profession that balances how AI can help attorneys deliver legal services while protecting the essential role they play in the law and society.

On the subject of who should perform legal services, non-lawyers practicing law and owning law firms is a trend the Association should always stand firmly against. All around the country, we are witnessing the persistent threat of law practices being taken over by wealth-management and big accounting firms, private-equity ventures and other financial institutions. Licensing non-lawyer entities that offer services in business law, taxes, and estate planning, legal chatbots, notarios—these are all trou-

can speak powerfully on the issues that face our profession. That strength also comes from numbers. This year, I encourage everyone who can attest to the benefits of your membership to pay it forward and spread the word among your colleagues and friends, as I pledge to do. With a vibrant and dedicated membership, we can sustain the Association and its mission for decades to come. The issues we that are facing as lawyers, including those we have discussed tonight, matter to you and are critical to the future of the legal profession we all love.

In the year ahead, I intend to make myself as accessible as possible to our members. If you have any questions, suggestions or concerns, my door is always open. I am here to listen and do everything I can to help.

I hope to see you around the New Jersey Law Center throughout the year for our many events, and maybe even in Dublin this fall. ■