

PRESIDENT'S PERSPECTIVE

WILLIAM H. MERGNER JR.

Serving as NJSBA President was the Privilege of a Lifetime



At my installation ceremony in Atlantic City, I said that serving as president of the New Jersey State Bar Association is the greatest privilege of my professional life.

I remarked that the NJSBA is the most indispensable advocate for attorneys, judges, paralegals, clerks and law students in New Jersey.

And, I observed that our profession is never stronger than when the NJSBA speaks with a unified voice.

As I reflect on the last year, my tenure as president of this Association has surpassed even my highest expectations. I am deeply grateful to have stood beside our extraordinary member volunteers, who through their passion and perseverance have accomplished so much for the benefit of their fellow colleagues, the justice system and the practice of law. Witnessing their efforts firsthand is an experience I'll never forget. To them, I say thank you. We have much to be proud of.

We started the year strong by addressing an issue that will dominate our industry, and virtually every other, for years to come—artificial intelligence. In May, the NJSBA released a first-of-its-kind report with guidance for attorneys and legal professionals on using AI safely and ethically. The report, comprehensive and actionable, was the work of our 27-member Task Force on Artificial Intelligence and the Law, which conducted extensive research and interviews with stakeholders across the AI and legal industries. The result is a valuable framework to guide attorneys when implementing AI in their legal practice.

AI will be with us for the foreseeable future. As a testament to the NJSBA's commitment in this space, the Association created the AI Special Committee to monitor the latest AI trends, educational opportunities and ethical questions that arise. To

meet the demand of attorneys seeking AI programming, we have invested heavily in presenting AI-themed seminars through NJICLE and PracticeHQ, the NJSBA's free membership resource for practice building. Look no further than the programming schedule for the upcoming Annual Meeting and Convention on May 14–16. It offers more than 10 AI seminars, including a program on generative AI with this year's keynote speaker—Suffolk Law School Dean Andrew Perlman.

It was a long time coming, but the state Supreme Court finally ended New Jersey's uncompromising approach to disbarment in 2024 and provided some disbarred attorneys a path back to practicing law. For many years, the NJSBA advocated for the Court to reconsider disbarment in *In re Wade* and was a critical contributor to the exhaustive work done by the Wade Commission, created to study the state's disbarment process. New Jersey was one of only nine states where disbarment was permanent with no path for readmission. Now, we have steps to readmission that are rigorous but fair. The process represents a chance at redemption for attorneys who otherwise had no hope.

The NJSBA will always take swift action on issues of consequence to attorneys, their clients and the public. The Association's advocacy on ACPE Opinion 745 is a great example. When the opinion was released and barred New Jersey attorneys from paying referral fees to their out-of-state counterparts, the NJSBA immediately sought relief in the courts to protect the interests of its membership. Reversing Opinion 745 was a key issue for the NJSBA in the last year. The opinion upended decades of interpretation on the rule and cast a wave of uncertainty over preexisting referral arrangements and how New Jersey attorneys should handle referrals. Attorneys with preexisting referral agreements faced a potential ethics violation or lawsuit for breaking these pacts. Most importantly, it prevented clients from receiving competent legal counsel across state lines.

Thankfully, the Supreme Court acted with similar urgency. Within a year, the Court stayed Opinion 745, granted review,

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editing and human review. AI was unsuccessful in this task. Can you tell where the human ends and the machine begins?

Note: The following passage was generated using artificial intelligence:

Artificial Intelligence continues to have an increasing impact on legal practice. This issue attempts to explore a wide swath of issues which arise in the law office, the courts and in legal society due to the evolution of AI.

In one article, Dr. Robert Spangler explores the fundamental nature of artificial intelligence and its impact on the legal profession. Dr. Spangler reminds us that while AI can significantly boost efficiency, it lacks the intrinsic human qualities—curiosity, creativity, and passion—that have driven society's greatest breakthroughs. He cautions that as AI becomes as ubiquitous as cell phones, the challenge lies in striking the right balance: harnessing its benefits while ensuring it augments, rather than replaces, human judgment.

The ethical implications of AI in legal practice are further examined by Alan N.

Walter, who draws unexpected parallels with science fiction cinema. Walter analyzes how films like Frankenstein, Blade Runner, and 2001: A Space Odyssey offer profound insights into responsible AI integration. From creator responsibility to the dangers of inadequate human oversight, Walter demonstrates how these narratives inform current approaches to AI governance in law firms, including A&O Shearman's pioneering AI steering committee.

The regulatory landscape of AI is addressed in Steven Eisenstein's examination of how states are navigating the complexities of AI regulation in response to federal initiatives. Eisenstein highlights how states can protect their citizens' interests through state-specific regulations, public-private partnerships, and ethical frameworks. He discusses how states like California, Illinois, Maryland, and Tennessee have already enacted legislation addressing AI-related issues, while cautioning about potential federal pre-emption challenges.

In a practical application of AI, Eisenstein also explores its transformative

impact on website ADA compliance. He explains how AI is revolutionizing accessibility testing and remediation through automated tools that can generate alt text, adapt content dynamically, and provide captioning services. While acknowledging the technical limitations of AI-driven accessibility solutions, Eisenstein offers implementation strategies and envisions how emerging technologies will further enhance digital inclusion.

The courtroom applications of AI are explored by David Shafiei, who examines AI's role in transforming expert testimony in complex scientific litigation. Shafiei explains how AI can enhance expert witness preparation through deeper insight into scientific data and help evaluate expert credibility under the Daubert standard. While acknowledging AI's potential to aid judges and attorneys, Shafiei emphasizes the need for transparency, accountability, and human validation of AI outputs.

Expanding access to justice through AI is the focus of Jessica Lewis Kelly and Tim

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heard arguments from the NJSBA and issued a well-reasoned decision vacating the opinion and returning to the status quo. This result was the work of many incredible volunteers and several entities that joined in challenging Opinion 745. Their efforts represent the best of what the Association can achieve through a shared purpose.

Despite all the success, the year was not without controversy. In recent months, judges, law firms, legal service providers and attorneys have endured unprecedented attacks that threaten the rule of law and public confidence in the role of the judicial system as an independent and co-equal branch of govern-

ment. These attacks, spurred by federal executive orders, have also targeted those protected under the New Jersey Law Against Discrimination. The NJSBA remains steadfast in its mission of fostering a diverse and inclusive legal community, advancing the rule of law, protecting individual rights under the Constitution, preserving the independence of our judiciary, and providing equal protection and access to justice for all. I have every confidence that my successor—NJSBA President-Elect Christine A. Amalfe—and the future presidents to follow will succeed in navigating the Association through these uncertain times. I am proud to pass the torch.

The next year will bring change. We bid farewell to Judge Glenn A. Grant, who retired in March after 16 years as the

acting director of the Administrative Office of the Courts. The NJSBA enjoyed a cordial and productive relationship with Judge Grant on supporting mental health and well-being in the profession, improving remote access to the courts, addressing bias in jury selection and calling attention to the vacancy crisis in the Judiciary. We thank him for his service and look forward to working with his successor—Judge Michael Blee—for the benefit of New Jersey attorneys, the Judiciary and the public.

To the members of this Association, you are in the good hands of passionate volunteers and dedicated staff who are prepared to advance our mission and confront any challenge. I look forward to what the future holds. Thank you for the privilege of a lifetime. ■