



SAMUEL W. SEYMOUR
PRESIDENT
Phone: (212) 382-6700
Fax: (212) 768-8116
sseymour@nycbar.org

June 25, 2010

Hon. Sheldon Silver
New York State Assembly
Legislative Office Building 932
Albany, NY 12248

Re: A.8957-A/S.5968-A (Increasing Family Court Judges)
A.11398/S.1745-A (Increasing Civil Court Judges)
A.9753-A/S.3890-A (No-Fault Divorce)

Dear Speaker Silver:

I am writing to urge your support for three bills that are important to the operation of a just, accessible and credible judicial system: one would increase the number of Family Court judges statewide, one would facilitate the seating of eleven additional Civil Court judges in New York City, and one would enact no-fault divorce.

The first bill addresses the unacceptable caseload burden in our Family Courts, which leads to unconscionably long adjournments, protracted trials, and devastatingly long delays in resolving the most crucial and intimate details of a child's life in the context of custody, foster care, abuse, neglect, termination of parental rights and adoption cases. Despite significant legislative changes enhancing judicial oversight of children in foster care and increasing the responsibilities for Family Court judges, and a sustained increase in Family Court filings, there has not been an increase in the number of Family Court judges in nearly thirty years. New York City has not had an additional Family Court judge since 1991. We must give the Family Court system the judges necessary to make critical and timely decisions about child safety and family integrity.

The second bill provides the mechanism to finally seat eleven additional judges in New York City Civil Court, which judges had been provided for in legislation passed in 1993. As you know, the Civil Court handles cases primarily involving low-income litigants, 99% of whom are unrepresented. Court filings have tripled since 2001. In recent years, consumer debt cases in particular have skyrocketed: 241,195 consumer debt cases were filed in 2009 and 298,326 were filed in 2008. Judicial dockets are so overburdened that many unrepresented defendants in these cases are urged to waive defenses, not challenge "sewer" service, and settle cases that might otherwise be dismissed if heard on the merits. It is a fundamental precept of our judicial system

that all litigants have the opportunity to be heard. This simply cannot happen when there are not enough judges.

In addition to providing enough judges so that our judiciary can function efficiently and provide equal access to all litigants, we should strive to have a judiciary that fosters integrity and truthfulness. A.9753-A, the no-fault bill, does just that. The current law requires that one party accept fault or cast blame on the other party in order to obtain a divorce – even if the demise of the marriage was without the fault of either party. New York is terribly out of step with the rest of the country: 49 states have some form of no-fault divorce on the books. Our system is an outlier and is also unfair to the parties. Courts and attorneys are placed in the position of convincing the parties to accept the fact that one of them is the "bad person" and that one must testify as to the "bad actions" of the other. This charade only further erodes the public's confidence and respect for the legal system and is demeaning to the courts, the attorneys and of course the parties themselves. When a marriage has truly failed, parties in New York should be permitted to end that marriage with dignity and without being forced by an archaic law to impugn each other's character. Moreover, the bill explicitly requires that all economic issues be resolved before a judgment of divorce can be entered, thereby safeguarding the economic and ancillary interests of the parties.

Thank you for considering the City Bar's position on these three bills. We urge their passage in the Assembly.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.W. Seymour', written in a cursive style.

Samuel W. Seymour