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[On April 24, 2014, New York State Bar Association President David M. Schrader urged the state Legislature “without delay” to authorize the creation of 20 Family Court judgeships. He thanked lawmakers for earmarking money in the budget and reminded them that they need to legally authorize the new judgeships. Text of the letter is below.]

Re: New Family Court Judgeships

I am writing on behalf of the New York State Bar Association to urge that the Legislature authorize without delay twenty new Family Court judges.

The recently adopted budget included funding for these additional judgeships, and we thank the members for recognizing that this would be money well spent. However, a bill authorizing the new positions must still be enacted. With funding in place, this is now the highest priority for the Bar Association in the remaining weeks of the session.

Fundamentally, there is currently an insufficient number of judges to hear the overwhelming number of cases being presented in Family Courts across the state. This is not a new problem; rather, it has been building for some years.

In 2010, the State Bar Association, recognizing that a crisis was building in the Family Courts, established a Task Force to study the problems and make recommendations. In announcing the formation of the Task Force, then President Stephen P. Younger noted that “with overcrowded dockets, too few judges and far too many delays, these courts resemble hospital emergency rooms and our family law attorneys are forced to perform triage.”

What is most disturbing about the extensive Family Court delays is that the cases often involve the status of children. Delays too often leave these children in limbo and in an uncertain status while their cases drag on. For example, delays affecting who has custody over children or who has visiting rights need to be resolved quickly if their lives are to be stable. The placement of children who need to be removed from their parents’ homes because of abuse, neglect or family violence needs to be determined quickly if the child is not to be shunted from place to place on a short-term basis until final resolution of a case. Similarly, adoptions need to be finalized so that a child’s future is settled and resolved. In all of these cases, undue delay has a long-term, and even lifetime, impact on a young child.

Family Court also hears juvenile delinquency cases, which, like criminal cases, need a rapid resolution. Fairness and due process require that a child charged with violating a law have his or her case

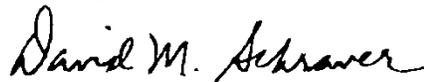
determined without unreasonable delay. No one, especially no child, should be left for a lengthy period with unproven charges hanging over them.

The Association's Task Force on the Family Court issued its final report in 2012, and it was approved by our House of Delegates as Association policy in January 2013. In its report, the Task Force noted that there were varied reasons for the extensive delays in Family Court proceedings and made many recommendations as to remedial actions that should be taken. However, it identified the inadequate number of judges as the first and most important problem that needs to be addressed. The Association recognizes that all of the Family Court's problems will not be fixed with the addition of twenty new judgeships, but it also recognizes that the court's problems cannot be fixed without these judges.

The fundamental facts are that only one new judgeship has been added to the Family Court in the last decade. Thus, the shortage of judges is statewide. At the same time the responsibilities of the judges have increased significantly. For example, judges are now required to make database checks in custody and visitation cases, and there has been a mandated increase in hearings in permanency cases. While we could set forth many statistics, let me give you only one - - our Task Force found that there are 4,601 filings for every judge. The consequences are obvious.

This is the time to begin taking steps to address the long-standing problems throughout the state. With moneys having been appropriated, a bill authorizing the new Family Court judgeships should be timely enacted so that all these positions will be filled in January. Thus, the New York State Bar Association urges enactment of an authorization bill.

Respectfully,

A handwritten signature in black ink that reads "David M. Schrauer". The signature is written in a cursive, flowing style.

David M. Schrauer