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News

NO-FAULT DIVORCE IS LONG OVERDUE

High praise to Chief Judge Judith S. Kaye for her ringing endorsement of **no-fault** divorce (NYLJ, Feb. 8). As every Matrimonial attorney knows, the only reason the issue of fault ever rears its ugly head is to extort from the party eager for a divorce property or income not otherwise available under New York's equitable distribution and support statutes. The victim of such nefarious tactics tends to hold a grudge, the attorneys who are party to it tend to make more money, and the public at large reaps only the benefit of having two more embittered divorcees roaming the streets.

For Gloria Jacobs of NOW to predict that more matrimonial trials will result once fault is eliminated is specious. Instead, matrimonials will be settled base upon the arithmetic of the case and not a litigant's ability to paint their soon-to-be ex-spouse as cruel and inhuman with the details of the parties' acrimony. Name-calling, dredging up potential fault witnesses, or lacing one's papers with derogatory allegations of a spouse's malevolence hardly create an atmosphere where fruitful negotiations can be nurtured.

In the end, 49 states have succeeded in advancing civility in their Domestic Relation Laws by eliminating fault. None of those states have recanted nor have any reported that statistically more litigation has resulted from the wisdom of removing from their laws the fault virus. It is about time New York wakes up to the vituperative nonsense that the fault statute has historically perpetrated and prudently joins that 49-state chorus which has already legislatively denounced the practice of leveraging fault to gain an unfair financial windfall.

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