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Matrimonial lawyers await divorce deluge

NY's new no-fault divorce law, which takes effect today, is "going to open up the floodgates," predicts one attorney.

By **Brian Chappatta**

In a New York minute, getting a divorce in the Empire State just caught up with the rest of the country.

New York's new no-fault divorce law took effect on Tuesday, meaning unhappy couples seeking a divorce will no longer have to cite grounds, such as cruelty or abandonment, for the marriage's collapse. New York was the last of the states to have such a law in place.

The no-fault clause could reduce the length of a divorce case by six months to a year, said Susan Moss, a partner at Chemtob Moss Forman & Talbert, which specializes in matrimonial law.

While lawyers will still be needed to help determine child custody arrangements and divisions of assets, overall legal fees should decrease. Those full trials ranged in cost but "definitely hit six figures," Ms. Moss said.

Several lawyers expect billable hours to decrease and therefore attorney fees to drop, since it is easier to obtain a divorce. But the decrease in revenue should be offset by a greater supply of cases, said Lois Liberman, a partner in the matrimonial group at law firm Blank Rome. According to federal data, New York had 46,070 divorces in 2009.

"Clearly it's going to open up the floodgates because now people don't have to allege the wrongdoing of the other person," Ms. Liberman said.

Additionally, firms have been advising clients to wait to seek divorce until the law took effect. Ronnie Gouz and Henry Berman, partners at Berman Bavero Frucco & Gouz, said they have held cases with limited grounds from as far back as last May in anticipation of a no-fault divorce law passing the Legislature this summer.

The new legislation is not without its problems, however. One requirement under fire is a rigid formula for judges to determine alimony, but the cutoff point for that formula in the new law is \$500,000.

“In some income ranges, it’s way too low, and others it’s way too high,” Ms. Moss said. “The needs of the family are completely ignored.”

What’s more, this uncertain provision could negate the cost-saving aspect of the no-fault clause, Ms. Liberman said. She expects more work for lawyers as they decipher the new provision and look for exceptions for their clients.

“While they have made one process easier, they have made another part filled with problems,” she said.

Though the net cost may remain unchanged, one certain benefit from the new legislation is that couples will no longer have to perjure themselves—a practice Ms. Moss called “commonplace”—to get out of a dead marriage. She said going through a divorce trial could also ruin a person’s credibility in future legal cases.

For Andrea Vacca, who runs her own matrimonial law firm, the best part of the law is not the increased business, though she has received an increasing number of phone calls and expects that to continue for six months to a year.

Instead, she’s happiest about not having to deal with the finger-pointing and accusations made in court just to get a divorce.

“It’s definitely good news,” Ms. Vacca said. “Having a trial on grounds is one of the worst things anyone can do. Clients don’t want it, lawyers don’t want it. It will destroy the family, and it will destroy any goodwill there was.”