

Maryland Judicial Equality Committee

Name: Jeffrey N. Pritzker Office Sought: Attorney General

Date: August 16, 2002

Position Survey

1. Under what conditions if any, should preferential treatment be shown to one gender in family law cases? Which gender and with what restrictions? Explain.

Under the law, preferential treatment is prohibited.

2. What percentage of all domestic violence do you believe is committed by men? Circle One 100% 90% 80% 70% 60% 50% 40% 30% 20% 10%

80% based on news reports and personal observations.

3. To your knowledge and in your opinion, does the issuance of a protective order result in decreased domestic violence? Explain:

Yes, although it is not a guarantee of non-violence it does serve as a deterrence for generally law-abiding citizens. Of course those who have no respect for the law may not be deterred by a protective order.

4. Do you believe the current Family Law system treats both men and women equally and what would you change if given the opportunity? Explain:

The language of the current Family Law Article, and Maryland laws presuppose equal treatment for men and women. Of course, certain Judges may have innate biases, which it has apparently taken time to resolve. It is very difficult to "pin-point" the rationale for certain decisions and therefore appeals in this area are very difficult. It has been my experience that, in the past, there may have been an overall bias in favor of one gender, but it appears that same is diminishing. The laws appear to be facially adequate.

5. Do you believe that false testimony occurs frequently in contested custody or divorce cases? If so, what can be done to deal with this situation? Explain:

I believe that false testimony does occur occasionally in contested custody or divorce cases. I have noted virtually no perjury prosecutions, except in very high-profile cases. Perjury serves to destroy the efficacy of the legal process, and a study should be conducted to ascertain whether or not the prosecution of same should occur.

6. Currently, judges issuing protective orders via Ex Parte' requests consider only

the written statement made in the request and if the accused is capable of carrying out the alleged action. Do you feel that the civil rights of the accused are adequately protected under these conditions? If not, what changes would you recommend? Explain:

This is a very interesting question as an ex-parte hearing clearly deprives ones civil rights. A hearing is set up in fairly rapid order (within one week) but the accused individual is clearly deprived of civil rights during this period of time. I would propose a possible change which would provide that the accused be given the opportunity to appear at some earlier date to rebut the charges.

7. Are you concerned that the number of domestic violence protective orders fall disproportionately against men and to what do you attribute it? Explain:

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It is of concern that the number of domestic violence protective orders far disproportionately against men. It may be that women are more likely to seek protective and also more likely to receive same. I think a study should be regarding the numbers of protective orders sought, by males and females, the result of those requests.

8. Would you support legislation to modify the current domestic violence statues to correct abuses currently occurring in the system? Explain:

I would support a review of the current domestic violence statutes, and if revisions are necessary, I would support them.

9. Do you believe that given the opportunity, as a single parent, both men and women are equally capable of raising children? Explain:

Yes. As a divorced male, I lived through the experience of physical custody of my children being granted to a non-stable spouse.

10. Would you support legislation to direct judges to require the joint legal physical custody of children unless there are compelling reasons not to do so? Explain:

Certainly, joint legal custody is preferable and in the best interests of the children. Joint legal physical custody may or may not be workable, depending on the circumstances and issues of schooling, location, etc. for that reason it may not be a good idea to "tie the hands" of Judges by putting additional restrictions on judicial discretion. I do, however, believe that the entire method of dealing with divorce and custody issues should be revisited, as in many instances it appears that the Court system as currently constituted may not provide the best decision making alternative for matters of this nature.

11. What are the compelling reasons for not giving joint legal physical custody of children to both parents who live in the same jurisdiction? Explain:

If the parents live sufficiently close to each other so there is no difficulties with schooling, and all other things being equal, there is no reason why joint legal physical custody should not be given. Among the reasons why it should not be given could be the distance to schools, proximity to friends, family and relatives, abuse by one parent or the other, lifestyles of the parents, etc.

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