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News

TERSE DECISIONS MAY RESULT IN MORE APPEALS

In considering an article in the Law Journal about the increased case load the Second Department is confronting, Tom Liotta's lament over the terse and unenlightening decisions too often churned out by the Appellate Division (NYLJ, May 14, 2003), and Brian J. Isaac's attempt at defending our overworked **judiciary** (May 19, 2003), I read with heightened interest the Second Department's decision in *Eisenstadt v. Eisenstadt* (May 27, page 25, column 5) where the court held:

‘After considering the equities and circumstances of the case and the financial positions of the parties, the Supreme Court providently exercised its discretion in denying the plaintiff's cross-motion for an award of an attorney's fees:‘

Now, how long would it have taken the court to duplicate a paragraph from the brief of the prevailing party that summarized the 'equities and circumstances' that led to the exercise of their discretion? Ten minutes? Quite possibly, many appeals might not be taken if the appellate courts added some meat to the bones of their decisions; then maybe it would not be so overworked in the first place.

Peter J. Galasso

Garden City, N.Y.

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