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Years After Testifying, She Runs a Court of Her Own

Child in a Landmark Case Becomes a Family Judge



Judge Lisa Friederwitzer at her new office in the Bronx. She said her experience testifying in her parents' custody case in 1979 drove her decision to pursue family law.

By COREY KILGANNON

Lisa Friederwitzer's first experience in a courtroom was in 1979. She was 11 and it was brutal.

"I was under terrible mental stress," she recalled about having to testify in front of her parents who were divorcing and vying for custody. "I didn't know whether what I would say would be good or bad for my parents."

She is now Judge Friederwitzer, 49, newly appointed to New York Family Court and assigned to the Bronx, an accomplishment she links back to that seminal experience of taking the stand in a Long Island courtroom.

For the legal world, her testimony helped shape a case known as *Friederwitzer v. Friederwitzer*, a 1982 landmark decision by the New York State Court of Appeals that made headlines.

For the young Lisa Friederwitzer, testifying about which of her parents she wanted to live with left her feeling "unprotected and vulnerable."

It involved being sworn in and spending a day and a half shakily answering personal family questions from a judge about her parents — a tearful, traumatic experience, during which "I felt I was betraying both parents," she said.

"My parents were fighting over custody of me and my sister, yet our rights were the only ones not being protected by the court system," said Judge Friederwitzer. Judge Friederwitzer, who wanted to live with her father, testified along with her 8-year-old sister, Nicole.

"We were on our own — there was no one there really standing next to us making sure we were OK,"

Judge Friederwitzer said, adding that her experience motivated her to go to law school and pursue family law.

"It fueled the desire to protect children from going through what I had to go through," she said. "I always knew I wanted to protect children from being put in that situation."

Her parents, Elliott and Sharon Friederwitzer, separated in 1978 and followed a legal agreement, which gave main custody to Mrs. Friederwitzer and stipulated that both parents would continue to raise the girls as Orthodox Jews.

'We were on our own' in the legal system, she said, and she vowed to fix that.

But a year later, Mr. Friederwitzer made a successful legal motion for primary custody, claiming that the children's mother, who had moved to Manhattan, had begun letting a non-Orthodox man sleep over and going out socially at night, leaving the girls alone.

At a time when courts typically awarded mothers custody, a state Supreme Court judge on Long Island ruled that the father was a more fit custodian. The mother challenged the ruling to the Court of Appeals, the state's highest court, which upheld the decision, ruling that the mother put her own interests over the best interests of her children.

"I can quote it," Judge Friederwitzer said, reciting the decision's

wording that custody agreements could be altered "when the totality of circumstances" is "in the best interests of the child."

"That's what made this case so different — it changed the way things usually went," she said. "It wasn't just a knee-jerk reaction where the mother gets custody."

The case — something of a real life "*Kramer vs. Kramer*," the 1979 film that involved a painful courtroom custody battle and was emblematic of the surge in divorces at the time — seemed to follow young Lisa through her life, from the many classmates in school who knew about it, to her law school professors, to legal professionals over the years who recognized her last name.

After graduating from Queens College, and then Touro Law Center on Long Island, she began working at age 24 in Queens Family Court as a court-appointed law guardian, often on behalf of children.

In 1998, Judge Friederwitzer began working for the state court system in Queens Family Court, first as a court attorney assisting a judge, and then conducting hearings in child support and paternity cases.

"Even starting out, they would say, 'She's from that famous case,'" she said. "I went into a field where my name is well known. It's not like my name is Smith."

It rang a bell with Judge Jeremy S. Weinstein of State Supreme Court in Queens. Judge Weinstein, an administrative judge, hired her in 2012 to serve as a court attorney referee handling matrimonial cases.

Judge Weinstein said her name "struck a bell" when interviewing

her, and that after hiring her, "Someone said to me, 'She's a Friederwitzer from the Friederwitzer versus Friederwitzer case,' and she told me about her experiences with it."

"It's one thing to have an excellent grasp of the law," he added, "but to live the experience and put yourself in the shoes of the people involved in the cases, I felt the outcomes of her decisions in cases would be more just and fairer, and they were."

The judicial screening process included an interview with Mayor Bill de Blasio. Judge Friederwitzer mentioned the case as an impetus for seeking the bench, which she said prompted a discussion about the lack of legal representation for children during that time.

Judge Friederwitzer, an Orthodox Jew who lives in Queens with her husband and their two children, said she has seen improvements in protections for children involved in court cases. Lawyers are now routinely assigned to them in court, and testimony guidelines help provide a safer, more comfortable environment, she said.

Standing amid unpacked boxes in her new chambers in Bronx Family Court, just east of Yankee Stadium, she pointed out a new gavel on her desk that was a gift from her mother.

"It has driven every professional thing I've done — it's just what keeps me going under it all," Judge Friederwitzer said of her childhood testimony and the case involving her parents. "I'm very fortunate that something very good came out of an unfortunate situation."