

The Significance of Every Act in Family Court

David Ayres, New York Law Journal



NYLJ/Rick Kopstein

April 18, 2016

I was elected to the Nassau County Court in 2003 after serving as an assistant district attorney and then as a principal court attorney for 10 years prior. I began my judicial career in January 2004 with an assignment in the Nassau County Family Court. That court, like most family courts, was and still is a hectic and overburdened place where people come looking for solutions to real and complex problems. Of all of the courts that I found myself in, it was the rawest, realest of them all. The nearly impossible challenge was to spend the needed time on a particular case or problem, given the sheer volume of matters that would come across my bench on a day to day basis.

I left the bench in 2014 and am now managing partner at Barket Marion Epstein & Kearon in Garden City, New York. It is in that context that I recount the story of my encounter with Naila Amin.

I was in Boston on a recent trip when I received the email from my secretary: "A lady named Naila Amin called to speak with you. She said that she was the person you 'rescued from Pakistan years ago.' She said she is now a political activist and works in Washington D.C. and wanted to thank you and to speak to you."

When I returned to the office, I re-read the email. With the help of Google, I learned about Naila Amin and realized her plight was real, her call was real and I would learn that her gratitude was real. After reading about her, it became clear to me that I had encountered her very early on in my judicial career, sometime in 2004.

I called her and introduced myself. "Judge Ayers, it's you. I found you! Thank you. Thank you for saving my life," she said.

I could hear the emotion and sincerity in her voice as I tried to slow her down and assure her she was giving me far too much credit for the brief interaction we had shared more than 10 years earlier. She was having none of it. She said the fact that I had signed a temporary order of supervision removing her from her parents and placing her in a group home in the custody of the Nassau County Department of Social Services had saved her life. She then recounted the harrowing journey she was enduring at that time and about her life since.

When she was 8 years old and on a family visit to her native Pakistan, her parents allowed her to become engaged to her 21-year-old first cousin. When she was 11, she was married to the cousin on another trip to Pakistan and left to live her life married to a man that she did not know and did not love. She was only 11.

She returned to the United States with her parents in 2004 for a brief visit, during which time she ran away in order to avoid being brought back to the forced marriage and constant rape at the hands of her cousin, and with the blessing of her parents who were simply following a century's old cultural norm. It was during this period that the case was brought to the Family Court by DSS and they presented Naila as a young and uncontrollable runaway. They asked me to sign a temporary order of supervision because they believed her to be just another troubled 13 year old, and not someone who was trying to save her life.

Ignorant to the reasons behind her runaway behavior, I signed the order and placed Naila in a group home. It was the right action for the wrong reason. It was the one and only time she appeared in front of me.

For me, it was a forgotten moment in time. She, however, remembered every second. She remembers the beanie baby bear given to her by court staff. She remembers her encounter with a young judge who was just passing through Family Court, and who treated her with respect and was, according to her, the first person who was ever nice to her in America.

Imagine that. I had ripped her away from her parents and put her in a place she thought was a mental institution and she was thanking me for being so nice. Predictably, she ran away from that home and others, leading to the issuance of warrants for both her and her parents. It was the order of supervision and the warrants that followed that ultimately saved her. They popped up when her parents tried to visit the country again after taking her back to Pakistan and led to them being detained at JFK airport and charged with kidnapping. It was the beginning of the end of her forced marriage.

Fast forward to March 17, 2016. I was an invited guest standing on the steps to the entrance of the United Nations in New York City and being greeted by a now 27-year-old woman. We entered the United Nations together where I sat in awe for the next several hours listening to Naila, as well as other brave young women, speak to a room of thousands attending a session of the Commission on the Status of Women. The program, "Women and Girls: From Adversity to Hope" featured Naila Amin, college student, child bride survivor and activist telling her story.

This is not a story about me or Naila Amin, who has an incredible story to tell. The takeaway to me, is this: There are hundreds of courts throughout this country where the sheer volume of cases can overwhelm even the most conscientious and well-meaning judges, court staff and attorneys. This story should serve as a reminder to those hard working and well-meaning public servants of the importance of what they do every day on every case, even the most insignificant.

This seemingly meaningless blip on the chronology of a judicial career, this one tiny case buried amidst the tens of thousands of others was anything but meaningless to that young girl. For her, it was a defining moment in her life. For me, even though I didn't know it at the time, it was one of the defining moments for my career in public service.

And for those who toil in those courts throughout all of those hectic days when the crush of cases seem like too much to bear, I hope this story will serve as a poignant reminder that it's not what *you* think you did that defines your work, it is what the people who come before you think you did that matters most.

David Ayres

The author is a retired Nassau County judge
and managing partner at Barket Marion
Epstein & Kearon in Garden City.

<http://www.newyorklawjournal.com/id=1202755105617/The-Significance-of-Every-Act-in-Family-Court?mcode=1202615068769&curindex=0&curpage=ALL>