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Social Security Administration, via FAX 410-966-2830

This letter is in response to Notice of Proposed Rule Making, Docket #SSA-2008-0033.

I am a USALJ and a former Family Court Judge in the State of New York, writing as a private citizen with some experience in the subject matter of the proposed rule. I am strongly opposed to the rule for the reasons set forth below.

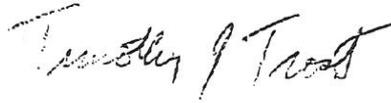
In New York, the Family Court is a limited jurisdiction trial court similar to all trial courts throughout the nation. Cases are placed on a calendar and when the case nears the top of the list the parties are notified to stand by and be prepared to proceed to trial on as little as 24 hours notice. The notification can not be any more specific as to date and time because of the obvious: there is no legal or administrative limitation on how long a trial might last, save some limited discretion in the presiding judge to manage the daily scenario. All litigants in this country who possess the right to a hearing are guaranteed the right to prove or defend their case as they or their representatives deem appropriate, although within a multitude of rules, none of which purport to restrict the right to be heard to a limited amount of time. There are various attempts to speed up the process such as alternate dispute resolution measures, pre-trial discovery, motion practice and case screening but these measures are meant to facilitate the orderly judicial process, not to limit the litigant's rights. The entire judicial system exists to serve the precious right to be heard.

Trial court docket backlogs in state and federal courts have been at unconscionable levels for decades, all because of that basic right guaranteed to litigants. There has been a continuous fuss about this problem at all levels of society yet society has seemingly determined that we cannot afford the price to fix it. Reform and relief occur in very small increments. No one has seriously proposed such a revolutionary change in the law that would limit a litigant's right to be heard by limiting his access to the forum and the judicial officer who will preside over and/or decide his case, especially in the name of reducing case backlogs. "You have but one hour to plead your case, Mr. /Ms. Litigant and your honor has but one hour to decide and report the result". This is a preposterous statement in our society!

As I understand the law, the federal administrative judicial system guarantees the claimants exactly the same rights: the right to a fair hearing and due consideration of his/her claim according to law. If there were a clock ticking in the judge's ear like that heard on a TV quiz show, no reasonable person could call that scenario... "fair" or "due consideration". I believe the proposed regulation to be illegal, arbitrary and capricious.

Thank you for your consideration.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Timothy J. Trost". The signature is written in a cursive, slightly slanted style.