

## RECONCILIATION: Essay

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### **Body**

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#### **Essay**

SOMETIMES I LIKE TO take the bench in the morning before the parties and their attorneys arrive in the courtroom so I get a good view of all the events in a case as they unfold.

One morning, a contested fault trial, **Sylvester v. Sylvester**, topped the calendar. Shortly after 9:45 a.m., a small, plump woman who looked to be in her late fifties or early sixties, entered the courtroom with a man I recognized from numerous other divorce cases; lawyer and client sat down at the counsel table. The woman's dark hair was streaked with grey. She wore a baggy brown skirt and a long-sleeved white blouse. Her thick glasses were fastened to a metal chain around her neck. Instead of sitting calmly at the table, she repeatedly walked over to the second row of the spectator benches and engaged in animated conversations with a thin, intense looking young man, who appeared to be in his early twenties.

Finally, what I took to be the husband and his lawyer made their way to the counsel's table. Mr. Sylvester looked exactly like an older version of the young man sitting in the spectator section, except that his sleek black hair had turned gray at the temples and had receded at the top. Even when his lawyer spoke to him, he sat still and kept his eyes focused on the floor in front of him.

The Part Clerk called the day's calendar. Is **Sylvester v. Sylvester** ready? he asked.

Yes, replied the wife's lawyer, rising to his feet.

Well, I'm ready if you are, I said. This is a contested fault case, isn't it?

It is, Your Honor, replied the wife's lawyer.

Have you resolved the property issues yet. I said.

There's nothing really to settle, your honor, said the husband's lawyer. I think they have already worked out an agreement in principle to split their personal property and a small bank account; that's all there is.

O.K., call your first witness.

The lawyer looked over at his client, put his hand on her shoulder and said, I call the plaintiff, Doris Sylvester, to the witness stand.

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The court officer escorted Mrs. Sylvester to the stand and the clerk administered the oath. She sat nervously, adjusting and readjusting her glasses, looking all the time at her attorney. As he made his way to the lectern from which he would conduct his direct examination, Mrs. Sylvester appeared to beckon him.

Judge, said the counsel. My client wants to say something to me. Is it all right if I speak to her for a moment?

It's a bit unorthodox, I said, but go ahead.

The lawyer and Mrs. Sylvester conferred at the witness stand for a moment, then he turned to me and said, Judge, my client would like to say something to the court. Would that be possible, Your Honor?

Everyone wants to make speeches, I replied. Go ahead, Mrs. Sylvester, I said with some exasperation. What would you like to say?

Your Honor, she replied. I've been talking to my son in the back on and off for the past few minutes. He's the young man sitting on the bench back there. He just told me for the first time today that he would not take the stand for me because he doesn't want to testify against his father.

I understand his dilemma, I said, but perhaps you can succeed on your case on your testimony alone. In other words, you might not need to call him at all. I can't assure you of that, but if your testimony is more credible than your husband's, I can grant you a divorce even if your son won't testify.

I understand, Your Honor, she said. But I guess I'm not making myself very clear. My son doesn't want me to testify at all against his father. You know, Your Honor, my son doesn't think this divorce is such a good idea.

Well, what do you think Mrs. Sylvester?

I really don't know, Your Honor, maybe he's right. I've been married to that man over there for 35 years. He's done plenty to bring me to this point but, on the other hand, as my son says, it could be worse.

Well, are your troubles with your husband set out here? I said, holding up her verified complaint for divorce.

Not really, Your Honor, she replied. That's just some legal gobbledygook that my lawyer told me that had to be put down to get a divorce.

What has brought you to this point then?

Your Honor, living with this man is like living with a wall. I had a lot of problems during the last five years - my mother died, I was diagnosed with ovarian cancer and began radiation treatment and all during this time, I could never talk to him about what I was going through. How can I continue to live with this? I know he's not a cruel man, but I needed something from him that I guess he couldn't give me.

O.K., I said, Anything good to say?

Well, yes, Your Honor. He's a decent hard-working man; He's driven a cab for, I think 40 years now, and he's a good father. He loves our son a lot.

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NOT KNOWING whether Mrs. Sylvester was making some idle chatter or genuinely considering reconciliation at this late stage, I looked once in Mr. Sylvester's direction, but his gaze, like before, was directed to the floor.

Suddenly, Mrs. Sylvester blurted out, Your Honor, if it's all the same to you, I'd like to withdraw my divorce complaint. I've been married to him for so long and how many years do I have anyway?

Hopefully many, I said.

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Either way, with him or without him, things are going to stay about the same, so I guess I'll stay put, she replied.

Well, that's your own decision, Mrs. Sylvester, I said. You know, I'm prepared to hear your complaint if that's what you want me to do.

No, thank you, Your Honor, said Mrs. Sylvester. I'll stay married to him.

O.K. then, I said. Your action for divorce is dismissed. Mrs. Sylvester, Mr. Sylvester, you are still man and wife. Good luck.

Thank you, Your Honor, Mrs. Sylvester replied. She left the witness stand, gathered her records and placed them into the canvas bag on the floor near the counsel table. As she walked out of the courtroom, she placed a reassuring hand on her husband's shoulder and for the first time that day, I noticed a response on Mr. Sylvester's part - he reached up and squeezed his wife's hand for a moment. He remained sitting with his face down and did not see Mrs. Sylvester grab her son's hand, lean over and give him a kiss on the cheek. And while she left the courtroom alone, it appeared to me that Mrs. Sylvester knew that she had made the right choice, at least for now.

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