

THE TIES THAT BIND; Essay

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Body

Essay

Mr. and Mrs. Baron and their attorneys were escorted by the court officer into the judge's robing room.

The husband's lawyer eased himself into a chair across the desk from the judge. We just reached an agreement on all the financial issues and we'd like to put a stip on the record in your presence. The judge looked at the wife's lawyer who nodded in agreement.

I'm ready if you are, said the judge. Have you agreed on grounds?

The judge focused on Mrs. Baron. She appeared to be in her mid-40s, well dressed in a tan business suit. She sat on the edge of her chair, eager to get this last bit of her old life over. Her husband, who sat across from her, crossed one leg over the other and leaned back, as if preparing to relax and observe the events rather than participate in them.

Our complaint pleads cruelty, said the wife's lawyer.

Come on, Bob, said the husband's lawyer. You know what I told you; my client will not agree to the cruel and inhuman allegations in the complaint. Why don't you just proceed on constructive abandonment?

What's that? injected Mrs. Baron. What's constructive abandonment?

The wife's lawyer turned to his client and spoke in a voice designed for only her to hear, but which could be picked up throughout the small robing room.

Look, it's nothing. You testify that he stopped having sex with you, that he could have had it if he wanted to, and that's all there is to it. The judge will grant a divorce, we'll incorporate the stipulation of settlement regarding the financial issues that we are going to put on the record, and we can all go home.

But we didn't even put that ground in the complaint, Mrs. Baron protested.

That's not a problem, he said. We'll just amend our complaint; your husband won't object. It's the ground he wants anyway. You heard his lawyer; he won't agree to cruel and inhuman treatment.

But, Bob, she pleaded. That's not what happened. It's not true. Sex was one thing he was good at - especially with other women.

Charles Buckland

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Carol, I don't know what to tell you, said the lawyer, sighing. He turned to the judge. You heard the problem, judge. Perhaps you can explain this issue to my client.

Listen, said the judge, I'm not getting between you and your client. You know that's not my job. Looking at Mrs. Baron, he said, It's up to you. I'll give you a divorce on any ground you can establish without opposition. But if you can't work out an understanding with your husband on grounds, you won't be able to get an uncontested divorce. A stipulation on financial matters isn't enough.

But, judge, implored Mrs. Baron, how can I testify under oath that the reason I want this divorce is because my husband refused to have sex with me? That's not why I sued him for divorce. And, it's not true.

Mrs. Baron, said the judge. I don't want you to perjure yourself. I don't want you to say anything here in court that is not true and I don't want you to do anything that will conflict with your conscience. Listen, you can stay married, too. But if you two can't agree on the grounds, I'll have to set the case down on the contested trial calendar, you'll get a trial date in four or five months.

Four or five months, exclaimed Mrs. Baron. I want a divorce today.

The judge again explained that he could only grant a divorce that day if it was uncontested and if the plaintiff's testimony proved grounds for a divorce. All four of the participants remained silent. Finally, the judge decided to explore other options and suggested the possibility of dual divorces.

I'll never agree to that, said Mrs. Baron. You're turning truth on its head by suggesting that.

Mrs. Baron, said the judge. I want to make it clear that I was not suggesting that you take that course of conduct; I was only exploring some possibilities which might get us all beyond this impasse.

Now you see, judge, said the husband, speaking for the first time, what it was like living with this woman.

Be quiet, said the judge sternly. I want both parties out of here, lawyers remain.

Mr. and Mrs. Baron left for the courtroom, like two teenagers chastised for staying out too late.

You should have worked this out with your client before, said the judge, turning to Mrs. Baron's counsel.

Judge, I'm really sorry, he said. Maybe if you give me a minute, I can talk some sense into her.

Good, the judge replied.

But, your honor, I'm not promising anything. She's a difficult client. I don't have control over her anymore. She's already threatened to take me to the Grievance Committee.

The judge barked at both lawyers to go speak again with their clients, irritated that the wife's lawyer had put him in such an awkward situation. He knew there were certain kinds of clients in divorce cases who were likely to complain about their treatment. If they felt they were represented unfairly, they would be just as likely to complain about the judge as about their lawyer. He had not chosen the matrimonial assignment, he did not earn as much money as matrimonial lawyers, and he did not feel he should be exposed to the same kinds of risks.

During the intermission, the judge had his first opportunity to read over the complaint and the list of the husband's alleged misdeeds. Soon a court officer knocked on the door, and the two combatants and their counsel were again seated inside. When he asked if they had worked out anything, both sides shook their heads, stony-faced. The judge reflected for a second, then gave it his best shot.

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Well, you know, he said, you two could execute a separation agreement containing all of the economic points on which you already agree and then live separate and apart for one year. At the end of one year, either of you can get a divorce against the other without grounds.

But I would have to wait a whole year before I got divorced, the husband protested. No way. I'm making these concessions on the financial issues today because I want a divorce now. If we can't be divorced today, I'm not agreeing to anything at all on the property issues.

Now look, said the judge, holding up the complaint and looking directly at the husband, let's see if we can resolve the grounds problem. Conceptually, if I could find among the many accusations made against you, a couple that you could live with, could you see your way to allowing your wife a divorce on those items?

Would it still be cruel and inhuman treatment? the husband asked.

Yes, said the judge, but only on the two or three accusations I pick out. It would be a kind of modified cruel and inhuman.

Look, judge, I don't mean to be uncooperative, but I've already given into everything on the property settlement. Why should I consent to these fraudulent accusations of hers?

Mr. Baron, let's look over the complaint together, said the judge. Perhaps if we try, we can arrive at a consensus on some allegations, okay?

The judge reviewed aloud various counts in the divorce complaint and focused on one relating to the couple's 1994 Aruba vacation. A fight between the two resulted in Mr. Baron's pouring a pitcher of Bloody Marys over his wife's head.

Mr. Baron did not dispute this allegation, but insisted on providing the judge with context. For two days prior to that party, he said, my dear wife was coming on to the casino manager at the hotel every chance she had. I asked her not to embarrass me, especially in front of our couple friends who were vacationing with us, but she wouldn't listen. Finally, when I saw her with her hands all over him at the cocktail party, I guess I lost it.

You know, judge, said Mrs. Baron, this guy thinks he should get rewarded because he carried out all of his philandering in private. So I flirted with that guy a bit. Nothing happened. My husband was ignoring me anyway. He'd rather sit around and play craps with his friends than spend time with me.

The judge tried again. He chose an allegation that sometime in March 1994, Mr. Baron had hit his wife and caused her a neck sprain.

Mr. Baron again acknowledged the incident, and again provided his own spin. He explained that he had been taking a bath when suddenly his wife barged into the bathroom and accused him of having an affair. She threatened to take a bathroom radio that was plugged into a wall outlet and drop it into the water causing his electrocution.

At this point, Mrs. Baron jumped in, attempting to justify the anger that led to such behavior. Judge, I have copies of American Express receipts for hotels and restaurants where he took his bimboes.

Almost ready to give up, the judge perused the complaint for a few more moments, but to no avail. Then, as if inspired, he changed his tactics.

Perhaps there are some other legally appropriate allegations that haven't already been set out in this document? Turning to Mrs. Baron's lawyer, he continued, Are there any domestic incidents that perhaps might have been overlooked?

The lawyer conferred quietly with Mrs. Baron. Susan, he finally spoke up, during the last two or three years, can you advise this court whether there were any incidents in which your husband criticized you or your abilities, such as cooking or taking care of the children, in the presence of friends, neighbors or family?

Plenty of them, answered the wife angrily.

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Would you please relate to this court two or three of such incidents, each in as much detail as you can provide, testifying as to who said what to whom and approximate dates.

What will happen? asked Mrs. Baron warily.

Her lawyer explained that he would ask her whether those incidents rendered it unsafe or improper for her to continue to live with her husband, and then he would ask the judge to permit the divorce complaint to be amended to conform to the new facts. If that was okay, he told her, she could withdraw the remainder of the allegations and request a judgment of divorce from the court. Noticing that his adversary was also listening, the lawyer looked directly at Mr. Baron and his counsel for approval.

Fine, said Mr. Baron and his lawyer, almost in unison.

Wait a minute, said Mrs. Baron. You mean, I will be getting a divorce because my husband made fun of my cooking a few times in front of my family? Judge, what kind of crazy woman do they think I am? I'm not going to go along with this procedure.

Mrs. Baron, said the judge, I don't think you're crazy. I think everyone is just trying to work out an agreeable accommodation on grounds between you and Mr. Baron, so you can get a divorce today. If it can't be done, you will have to wait months for a trial.

I appreciate your efforts, said Mrs. Baron, but I'm not going to agree to anything that I feel demeans me.

The judge finally admitted defeat. I'll place this matter on the contested divorce calendar. You'll both be notified shortly of the new date.

So, the parties and their counsel thanked the judge for his patience, and he wished them well. When they left, the room had the feeling of a subsided storm. The judge closed his eyes and wondered why these people still needed to fight over everything. But while the acrimony must have made it impossible for the Barons to continue living together, the judge knew that its intensity meant that they must have loved each other a lot a long time ago. In some peculiar way, he thought, they were not quite ready yet to call it quits.

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