

## [A Wedding Dossier: Part II](#)

New York Law Journal Online

March 13, 2025 Thursday

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### **New York Law Journal**

Length: 826 words

## **Body**

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David Saxe

Authors Note: Performing weddings is part of the life of a judge. During my almost 36 years as a judge, while I never kept count, I'm sure I must have celebrated at least a hundred weddings. Many were uneventful; the few that I write about had some unusual twists and turns. Weddings performed by judges are, by their nature civil ceremonies, not religious ones. In my experience, most of the celebrants came from different religious upbringings and the presence of a judge to perform the ceremony was an obvious compromise. I note that I was pleased to play a small part in the eventual judicial recognition of same sex marriages (See my dissent in 'Hernandez v. Robles,' [26 AD3d 98](#) (1<sup>st</sup> Dept. 2005). This is part 2 of my three-part series.

A wedding that comes to mind is one I performed at the Central Park Boathouse sometime in the 1980's. On an early fall Sunday afternoon, the leaves had started to turn and the lake shimmered, a perfect backdrop for a wedding.

The husband-to-be was a physician, just out of a residency; the wife-to-be, a social worker. It was a "mixed"-marriage as that term was commonly used; he was Gentile, she, Jewish. For descriptive purposes, I will refer to them as Jack and Marion.

When I arrived at the Boathouse, I re-introduced myself to the couple. I had met them once before in my chambers where we discussed the contents of the ceremony. Marion asked that I include a favorite poem which I did.

I suggested it might be a good idea to deal with the signing of the marriage license before the actual ceremony and Marion and Jack agreed. Jack's parents weren't there but Marion's mother was. Two good friends served as witnesses. The certificate was completed. I put it in its envelope and tucked it in the breast pocket of my suit jacket and told the couple I would mail it to the City Clerk.

After about ten minutes or so the event director requested that we move from the cocktail area to the place where the ceremony was to take place.

There was no processional at this wedding; there often is not at smaller weddings. Marion and Jack simply proceeded to stand before me with their two close friends as witnesses close by. A young relative had the rings.

I began the ceremony with the usual intonations, "Family and Friends, we are all gathered here ..." I moved effortlessly through some Biblical passages and poems selected by the couple and then to the vows, starting with the groom:

"Jack, do you take Marion to be your wife, to love, honor and cherish her in good times and in bad, for better or for worse for the rest of your life, so help you God?"

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As I was saying this to Jack, he was slipping the gold wedding band on to Marion's finger.

"Yes, I promise," he said, his voice loud and crisp. No doubt there. The photographer snapped away.

"And Marion," I said. "Do you take Jack to be your lawfully wedded husband, to love him, honor him and cherish him in good times and in bad, for better or for worse for the rest of your life so help you God?"

While her hand held the ring intended for Jack, I noticed it was not near to being placed on Jack's finger.

There was no response as she looked neither at Jack nor me.

An awkwardness seem to envelope all of us as we awaited what I thought would be a perfunctory, yet performative response. A minute or so passed. I decided to ask again: "Marion, do you take Jack to be your lawfully wedded husband, to love, honor and cherish him in good times and in bad for better or for worse for the rest of your life?" I looked directly at her. She looked at me, then Jack but said nothing.

A buzz ran through the guests. Jack looked at her and I heard him ask, "Are you ok?" She still didn't respond. Once more, and very slowly in a louder voice, I spelled out the vows I wanted her to respond to but simplified them: "Marion, do you take Jack as your husband?" Again, nothing. I looked directly at her and in what was my most sonorous voice I said "Marion, louder, I can't hear your." Suddenly as if a spell broke, she looked directly at me and said without hesitation, "YES, I DO."

"Good," I said to the relief of all the guests and, of course Jack. "I now pronounce you husband and wife."

I didn't wait around for any discussion of what had just transpired minutes before. I was thrown by it. I wondered, if I had done the right thing by pushing through the ceremony.

Maybe there was some underlying problem that needed to be explored. But then my understanding was that they were legally married when they both signed the license in front of me and their witnesses before the ceremony. That, I thought was proof of solemnization and provided me reason to push forward. But, I also thought did I do the right thing? Was there an issue that needed to be explored? Was it stage fright or something deeper? I never sought the answer however.

David B. Saxe, a partner at Morrison Cohen, served as an Associate Justice of the Appellate Division, First Department for 19 years.

## Classification

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**Language:** ENGLISH

**Publication-Type:** Newspaper

**Subject:** MARRIAGE (90%); WEDDINGS & ENGAGEMENTS (90%); JUDGES (89%); RELIGION (89%); TRENDS & EVENTS (89%); MARRIAGE LAW (78%); WRITERS (78%); COPYRIGHT (73%); SAME SEX MARRIAGE & UNIONS (73%); LGBTQ+ PERSONS (69%)

**Industry:** WRITERS (78%)

**Geographic:** NEW YORK, USA (89%)

**Load-Date:** March 14, 2025

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