

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

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Author's 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 come 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 the final entry in the three-part series.

An unusual series of events arose from a Sunday brunch wedding I performed at the Carlyle Hotel, an elegant hotel on the Upper East Side of Manhattan, where President Kennedy used to stay when in New York. The couple was in their mid-50s or so, a second marriage for each. Brunch weddings were not my usual fare but the Carlyle did a great job offering every conceivable type of omelet.

The signing ceremony was brief and the only thing I remember was that the wife-to-be was essentially directing the entire affair, telling the 30 or so people attending where to sit, remonstrating her future husband on what she thought was a spot on his tie and a few other small matters. But the signing ceremony went off smoothly as did the actual ceremony itself. Rings were exchanged, they said their vows to each other and I pronounced them husband and wife.

As I said my goodbyes to them, they told me that they were off to Miami Beach for just a few days. I wished them well and left. That evening, around 7:30 p.m., while home, the telephone rang. I picked it up and the first thing I heard was "Judge Saxe?" "Yes, that's me," I said. "This is Mrs. X. You married us this afternoon."

"How are you? Is there a problem," I said.

"There sure is Judge," she continued, "I direct you not to file the marriage license."

"Well, I don't think that's a good way to start a conversation with me," I responded.

"I don't care," she replied. "He's a complete asshole. I don't want any part of him. Don't file that license. Do you hear me?"

"Look, I'm afraid you're legally married" I replied-even though the license had not yet been filed with the city clerk yet and still was in the envelope in my jacket pocket. "You were legally married when the license was signed by all of you-witnesses too, in front of me. The only way out for you now is to get a divorce or annulment. Go see a lawyer," I said.

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"Why do I have to go through all that crap? Just rip up the license. No one will even know" she responded. "Your husband and witnesses will," I replied. "Anyway, it would be improper of me to do that."

"Screw him. The two witnesses are my friends. They'll back me up. ""That's it" I said. "I am mailing the license tomorrow morning. I can't help you any further. As I said, you are legally married. Best of luck." And I hung up.

But was I right? Did I do the right thing? Should I have just treated it like a bad date? Although the marriage had been properly solemnized I thought to myself that maybe it would be a good idea someday for the law to recognize a "cooling-off" period, say three days, at which point, either party could just walk away and declare the union terminated like a home solicitation sales contract.

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

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