

# HUGS TO HEARTBREAK

A Parent's Journey Through Parental Alienation



## Divorce Court—The Last Place to Go for a Divorce

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Before Judge Judy or any other retired judge started dispensing televised justice in 22 entertainment-filled minutes, I remember a show called Divorce Court.

I don't remember much about the show. I do remember the show came on every afternoon at 4:00 p.m. And I remember my mother turned the television off every afternoon at 4:02 p.m. No way her child was going to watch that piece of garbage, she always said.

I heard the creative powers behind television programming recently resurrected Divorce Court and the show is back on television. I'm an adult now and I can watch the show if I want. Mom is in Florida monitoring Dad's on-line activity. But I haven't watched the show because I've been watching real divorce court, also known as family court in the state of Connecticut, for the last year.

I was in family court because I was going through my own divorce. But the wheels of justice turn very slowly. I spent most of my time sitting around and waiting to go before the judge. So I sat, watched and listened.

Let me get the required disclaimer out of the way first. The people working in the courthouse are honest, hard working and good intentioned people.

Let me get the truth out of the way next. These honest, hard working and good intentioned people sometimes checked their common sense at the courthouse door. An absence of common sense is the only way to describe what I saw in family court.

Presiding over family court is a judge. After a few days in court I began wondering if family court judges were at the same level as other judges. I watched one family court judge preside over the division of a divorcing couple's pots and pans. I imagined other judges presiding over murder trials and death penalty cases.

This judge was fond of saying that he could spot insincerity and lies from a mile away. He warned the lawyers and the litigants not to try and put anything over on him. Of course, the entire concept of family court law is based on the premise that one side will use whatever means necessary to outwit and discredit the other side in front of the judge. Insincerity, half-truths and lies of omission are standard operating procedure in family court.

One fairly common trick among attorneys is to allow their client to say something on the witness stand that isn't allowed, but has the desired affect of damaging the other side. Once the offending comment is out, it's out. The judge can strike the comment from the record, but he can't strike it from his memory.

Attorneys also like to use the old, "I withdraw the question" trick. In this scenario, the attorney asks the witness an inflammatory question, planting the damaging thought in the judge's mind. The attorney knows the other side will object before the witness has a chance to answer. When the other side objects, the first attorney hurriedly interjects, "I withdraw the question your honor," as if he can't imagine what he was thinking to ask such an obviously inappropriate, not to mention illegal, question.

The judge knew all the attorneys' tricks because he used to be attorney. His honor enjoyed dressing down attorneys in much the same manner that the John Houseman character in *The Paper Chase* used to embarrass his law school students.

Once, when an attorney tried introducing a motion that the judge wasn't scheduled to hear, the judge lectured the attorney on the differences between a delicatessen and a courtroom.

In a deli, the judge explained, people can select from a variety of items displayed in the refrigerated case. But court, he said, did not offer variety. Attorneys were required to stick to the motions before the bench. The judge went to great lengths to compare lunchmeats to motions. After listening for a few minutes, I wondered if his honor was going to include a pickle and a choice of white, whole wheat, or rye bread with his decision.

I'll give the judge credit for knowing the law. Attorneys know the law too. But attorneys weren't above ignoring the law if ignoring the law helped their clients.

On one occasion I listened as the judge asked an attorney if there was any legal precedent, anywhere, for what the attorney was asking the judge to order. Clearly, the judge knew there wasn't any precedent, and so did the attorney. After 30 minutes, I'm pretty sure everyone else in the courtroom knew it too.

This particular attorney also had a hard time giving the judge a direct answer to a question.

Attorneys have key points they want to reinforce at every opportunity. For example, this attorney wanted to convince the judge that the soon to be ex-spouse was a lying cheat, unfit parent and menace to society. No matter what the judge asked this attorney, the attorney responded with a litany of charges and allegations that hammered home those three points. I got the feeling that if the judge asked the attorney how the attorney's children were enjoying summer camp, the attorney would launch into his auto pilot response and inadvertently accuse his own kids of being lying cheats, unfit parents and menaces to society.

The family court judge I watched was very consistent. He didn't show the attorneys any respect. He didn't show the litigants any respect either.

Perhaps the judge resented the "win at all cost" mentality that takes place in family court. Or maybe he just didn't like watching two people who once vowed to love and cherish each other reveal every slight or indignity, real or imagined, that they've suffered at the hands of the other. Or maybe the judge was just bored, viewed the courtroom as his living room, and just wanted all these unwanted visitors to go home.

I remember the time one parent accused the other parent of Parental Alienation Syndrome, a form of mental and emotional child abuse. After listening to the first parent explain the other parent's alienating behavior, the judge put on his best I've heard it all before face and said, "I see that stuff go on all the time." As if repetition equated to acceptability.

On another occasion the judge got tired of listening to testimony on the value of a divorcing couple's home. When he heard that one side was going to recall their expert real estate witness, the judge pouted. "I guess I have to listen to more appraisals," he said. His honor sounded like someone needed to send him to his room for a nap.

Some litigants needed to be sent to their rooms, too. I saw one woman go through three attorneys in less than one year. Maybe she fired the first two attorneys because they told the woman things she didn't want to hear. I can only imagine that attorney number three never told the woman anything she didn't want to hear. Last time I was in court, they were still together.

Another time a husband and wife fought for two hours over who would pay a \$500 car repair bill. Three attorneys were involved in the discussion. Even at the discount rate of \$175 an hour, the litigants spent a combined \$1,050 in legal fees to determine who would pay \$500.

After one year in court, I really thought I had seen it all. But then came the day this guy tried to fire his attorney in open court. His attorney didn't appear upset. But the opposing attorney objected. He didn't want the other attorney leaving the case. Finally, the judge spoke. Drawing on his years of experience, his knowledge of the law and his intimate understanding of attorney/client relationships, the judge said to the terminated attorney, "You'll stay in this case until I let you out of it."

That moment pretty much summed up real life divorce court. People go into court looking to divorce one person, only to discover that the process marries them to a whole bunch of unwanted spouses -judges, attorneys, family relation clerks and counselors. Given how slowly the wheels of justice turn, these forced courthouse marriages sometimes last longer than the original.