

2. For Bitter or Worse

On May 01, 2006, in New York's Westchester County Supreme Court, an all-male jury officially denied Dana Godner a divorce from Michael, her husband of thirteen years. As Diana Kapp reported in the June 01, 2008 issue of *Elle*, before deliberation the judge admonished the jury to follow the law. According to *Elle*, the judge told the jury, "It doesn't matter if you deem this a deadbeat marriage or a loveless marriage. The only thing that matters is [whether] there are grounds for [divorce]." New York is the only state that doesn't provide a "no-fault" divorce ground (i.e. irreconcilable differences). In New York there are only four sanctioned grounds for divorce: cruel and inhuman treatment, adultery, abandonment for one year, and three years imprisonment.

The jury found Michael Godner's treatment of Dana didn't rise to the level of cruel and inhuman. They did what the law demands – sent Dana Godner back to her husband against her will. During the trial, Dana provided the details of the increasingly isolated life she shared with her three children. The couple no longer shared meals or a bedroom and, in reality, lived apart under the same roof. She alleged that Michael Godner had become almost entirely consumed with his work as the CFO of a \$14 billion investment firm and resented being asked to deal with family matters. According to Dana's testimony, he was a controlling bully who insisted on pre-approving every purchase she made and limited her to only a small allowance for her personal expenses. Whenever she broached the subject of divorce Michael would end up screaming at her that if she chose to leave it would be without either their children or any money.

Following the trial, Michael Godner stated that although no law is perfect, as long as the environment is safe and non-violent, it is in the best interest of children that laws maintain a family's intactness. He stated further that he believes divorces are too easily granted, and that allowing parents to put their own needs and desires above their children's well-being undermines opportunities for the children's emotional health and future success.

An attempt is now underway at getting the New York legislature to broaden the grounds for divorce in New York. The New York chapter of the National Organization of Women (NYC-NOW), a group one might expect to support the attempt, has strenuously opposed it. NYC-NOW regards the legal power to deny a divorce as the only significant leverage for many women in a system of divorce litigation that, in NYC-NOW's estimation, is weighted heavily in unfair ways against the economic interests of women. NYC-NOW's President Marcia Pappas observes, for example, that frequently in contested divorce cases a woman who can't afford legal representation faces a "big gun" litigator hired by her husband. Furthermore, notes Pappas, spousal maintenance awards (i.e. alimony) are determined on a case-by-case basis, rather than in terms of a statutorily mandated standard amount. Much is left to legal interpretation, and in Pappas' words, "judges are an old boy's club." Consistent with NYC-NOW's position, a 1997 study, conducted by Richard Peterson of the Social Science Research Council in New York, based upon data from 228 California divorce cases in 1977-78, found that divorce resulted, on average, in a 27% income decline for women in the first year following a divorce, and a 10% increase for men.

NYC-NOW thus is opposed to broadening of the grounds for divorce in New York until such time as the system of divorce litigation is changed to assure greater economic fairness for women.