

Tamworth Listening Session

Will Abbott: Good afternoon. For the record, I want to introduce myself. My name is Will Abbott. I'm the co-chairman of the New Hampshire Citizens Commission on State Courts. Kathy Eneguess, my other co-chairman from Jaffrey is not able to be here today and she's on her way to Keene tomorrow to hold what will be the tenth of eleven sessions. Today's session will have two parts, one from three to five and the second from six to eight. The commission was actually appointed last April by the Chief Justice of the Supreme Court, John Broderick to independently assess the foundation and structure of the delivery of justice by the state court system from the perspective of the 1.2 million citizens of the state and to make recommendations for improvements. Thomas Jefferson once wrote that the price of liberty is eternal vigilance. The commission sees its role as providing part of this eternal vigilance to assure that the courts of the state are doing what they were intended to do under the Constitution and that in doing so they are meeting the expectations of the people whose liberty the Constitution protects. If public trust and confidence in the judiciary cannot be sustained, our liberty itself could be placed in jeopardy. The commission is interested in your thoughts and comments. We've had, as I said, I think this is the ninth of eleven sessions around the state. We have three ways that people can provide input. One is by coming to one of these listening sessions. A second is by sending written comments to our post office box in Concord which is P.O. Box 419, Concord, New Hampshire 03302-0419 or you can submit written comments electronically through our web site located at www.nhcitcourts.org. All your comments made today or by email or by regular mail are entered into a public record that the commission is keeping and that record will be accessible via our web site. We have also conducted a public opinion survey with the University of New Hampshire Survey Research Center. We will shortly be releasing results of this survey and the survey itself was done over this last summer really to gauge public opinion about the courts and their effectiveness. And it's really a snapshot, it's just, it's not intended to be a major source of information, it's really one piece of several pieces of information we'll be using. The public input gathered by the commission will be used in the process of deliberating on recommendations that the commission will make to the Chief Justice and the Supreme Court. The commission's plan is to gather the input this fall, deliberate this winter and issue a final report in May of 2006. The commission has had three meetings and its next public meeting is scheduled for Monday, November fourteenth in Concord. Meetings are open to the public, but as you can imagine because we have one hundred and five members on the commission, public participation in these meetings themselves is limited to observation. We have organized some rules for public comment presentation. Basically everybody who wishes to make some comments should fill out a card, index card like this with your name, address and telephone number. We ask you to keep your comments to five minutes largely to let everybody speak but since there are only two of you we might be a little bit more liberal with the five minute rule. The one thing we would ask is that your comments be focused on things that the commission can do such as make changes in policies, administering the judicial system. We are not in a position to retry a case that you may have been involved in. We are interested in your experience in the court, so certainly that's relevant but just so there's no misunderstanding, it's not a case where we have the opportunity to retry cases that have already been adjudicated. So, before we

begin I just want to make sure that our program today is clear and if anybody has any questions about process? Ok. Before we get going, I would like to have, there are, well there were three members of our commission, three of the hundred and five are here today and I'd like to ask them to introduce themselves, so Larry do you want to start?

Larry Gilpin: Larry Gilpin from Amherst.

WA: Marge Webster, who you've already met and Blake Allen who I think you have already met are here, too. So, with all that said, we'll start and Don Terminiello, did I pronounce that right?

Don Terminiello: Yes.

WA: The floor is yours.

DT: The reason why I came here is I wanted to tell you some of my experiences and also I have a little bit of input for you. I come up here from Massachusetts (clears throat) excuse me.....and basically I'm a person that I've never been in any kind of trouble. Anyway, the time came up on one suit. I'm just going to make this quick, I just want to hit a couple-

WA: Go for it.

DT: - parts on it. There was one suit against me for four thousand dollars in court. I tried to get an attorney to go with me and the attorneys wanted more than what the suit was for. I thought about it, talked to my wife and I told her I have all my receipts, I have everything. I shouldn't have any problems. I'll just go in by myself. You know, without an attorney. Which is what I did. During the, during the trial I think I brought out enough things that, that showed, that showed that it wasn't warranted for the four thousand dollars, but that's, that's besides the point. I received, I received the judge's decision in the mail and it was tripled, ok, and I was cited for fraud and that was the thing that really got me angry. But I said that it just couldn't be for what was happening. I know I can't go through everything with you over here, but what was happening, I says it couldn't be so I stayed up all night. I picked up an old phone book and what I come to find out was, was that the plaintiff's attorney and the judge were law partners in the same law firm at one time. I had no way of knowing that, so I know that there was bias there. I tried, I tried to get it appealed and it cost me twelve hundred dollars. The attorney told me that they only take fifteen percent of them, which it never went so nothing happened that way. I go, I got all the transcripts done on it and I was told by the person that took the transcripts a lot of the, a lot of the pieces were missing, ok. Anyway, the way it wound up was I really couldn't get too much out of them. I did try the Judicial Conduct Committee. But what I found out was the Judicial Conduct Committee was just a bunch of attorneys. I brought all the papers to them, they never even gave me anything in writing but just told me the, that they didn't find anything improper about a judge and the plaintiff's attorney being in the same law firm and everything. They didn't find anything improper because it wasn't at that time. To me, what's the difference, but anyway. After that I couldn't get any, any more with it. I had to go to court for a show cause hearing. It was another attorney, same court, and the same plaintiff's attorney was sitting next to me. We walked into court and their attorney come walking out of the judge's chambers and looked around and said, we're going to be up first, I bribed the judge. He had a smile on his face, it was like he was making a crack. But he said this in front of people and everybody looked at him. That's what happened, the judge come out, sat at the bench and asked me what happened and I says I just don't have the money. So, their attorney then said, excuse me, Judge, he

has a very expensive antique car. And I said to him, well wait a minute, that doesn't belong to me, it belongs to my wife. Which the judge replied, well it's about time that your wife steps up to bat for you. She says I'm going to give you until Tuesday night, never asked me how much I could pay a week or whatever. She says, if you don't have all the money by Tuesday night, I'll have the sheriff down to your house Wednesday to arrest you. I had to go file bankruptcy, I claimed bankruptcy to get rid of it. So that ended that. I lost a lot of confidence because I always believed that the judges had integrity and honesty, ok and I changed my mind quite a bit. The next one I went to was just an accident. But I wound up getting the same judge. I got some gasoline at a gas station, I come out, stopped, looked to my left and an SUV come running right into my door. I...the guy, we stopped, the guy got out, the guy was ninety four years old. I felt terrible for him. The guy says to me, I don't know what happened. He said, I was looking up the street he says I didn't even see anything. He was just coming in the driveway like this. I said, look are you ok? He said yeah. I said I'm ok, I just got a dented door. You got insurance? Yeah. I filled out all the paperwork for him, the poor guy was shaking. I didn't want to call the police or anything, the guy, I mean I really felt bad for him. He left, I called the insurance company after, she says no, no, no, the next day, he said that I ran into him. Well, I realized what happened. What happened was he went home and somebody said to him, you know, you're ninety four years old, maybe his daughter or something, you're ninety four years old, they're going to pull your license from you. So, turned around and said that I hit him. We went into court with the same judge, at the trial. I took pictures and I told my side of it and I showed where I was hit right on the door. Ok, he asked the fellow he said, what's your side of the story? He said, I don't know, all I know is he just ran right into me. So then I thought that the judge had kind of (inaudible) change in him because he said wait a minute he said now, he said, here's the damage over here, it's in his door. So I don't know he says, if there was damage, if he ran into you wouldn't he have damage on his front fender, which is true. And he says, I don't know, he says all I know is he ran into me. So then the judge says to him, nice looking bolo you have there Mr. So-and-so. He said yeah. He said, you're Indian? Yeah. He said, you Sioux? Yeah. You come from South Carolina? Yeah, me, too. I looked at her and said, that's it, I lost it. Now it wasn't that the guy was going to pay, his insurance company was there. See I, I got some, some advice from an attorney he said with that insurance company, it's a tough insurance company. It wasn't that much money, it was twelve hundred dollars, but this fellow was sitting with an agent, a representative from his insurance company. He wasn't going to pay for it, they were, ok. But I know that the judge probably recognized my name and everything and this and that there and anyway, I wound up very unfair. That's why I'm here today. Now, I'd like to shorten up and tell you that my recommendations are number one I tried going through the Judicial Conduct Committee and it's like you know, the fox watching the chicken coop. It's a bunch of attorneys watching other attorneys. I think they're a joke. I did all the work, I gave it to them, they can tell me that it's, it's ok for, for an attorney and a judge that were working the same law firm or from the same law firm, that's wrong. It's definitely wrong. I'd like to see something, something like a rapid response committee that if something happens this week, call up, just for somebody where you could get some, some advice. Not six months later, not a year later, where everything is forgotten. And again, like I say, the transcripts were missing in here, the woman that transcribed them for me says it was the

weirdest thing, she says that there was all kinds of missing pieces in there. And there was some very important things. I was cited for fraud by this judge and one of the things that was for fraud was that they said that I used, put used lumber into a job. The contract that they had to finish the job for them, I questioned him on the stand and I said to him, will you tell me what was used lumber, I would never do that. I've never done it in my life, you know, I says, could you tell me what was used? He says, well, he says a piece of plywood looked old. I said looked old? I says, well is it possible that this piece of plywood could be the top on the, on the bundle, that it might have been from the sun and the rain? He says yeah it's possible, but yet what they put in, in the judge's decision was used materials and roof rafters that were never even talked about at the trial. That's all, you know, it's all water under the bridge right now. But I wanted to come in here, I wanted to tell you about this. I think the judicial system is fine, but I think it's, I think that the judges and prosecutors should be held responsible in some way. I was, I was hurt by this, by a decision that was stuck into...the decision there, it's the fraud that really bothers me and it's bothered me for years. I've never ever been taken to court, never on a job. I've been in business since nineteen, since 1975. I've taken three or four people to small claims court. I've won every one of them. And I would just like to see one way that honesty and integrity and fairness could be in the court system. I think that's the most important thing. The court system is lacking that and, and like I said, we need somebody that you can talk you, that you can call up tell them what happened and where they can send you to the right person. I tried appeals, I tried the Judicial Conduct Committee. As a matter of fact, I tried, there was a Judicial Conduct Commission, I don't have the paper with me, right after I sent them papers and everything and I called again, the phone number was disconnected, everything was gone. So, I don't know what, what went on with that.

(inaudible)

WA: Maybe afterwards.

Nina Gardner: Ok.

DT: But, but that's, that's basically what I have to say to you.

WA: Ok.

DT: I want to thank you for at least having an interest in people coming up.

NG: And I apologize for arriving late.

DT: That's ok.

NG: It just took me longer from Concord than I expected. Sorry.

WA: Well, thank you for coming and we appreciate your input and your suggestions. We'll share them with the rest of the commission. Thank you.

DT: Thank you.

WA: There being no other people to present information, we'll suspend the hearing until, unless and until somebody else comes in. Thanks for coming.

END OF AFTERNOON SESSION.

EVENING SESSION TO FOLLOW:

Jim Pacheco: It's funny, on the way to pick up my son today at school. I picked up two hitch-hikers, a couple of thirty-something year old males, I figured nobody else would pick them up. Ok, buddy, homework. (pause) I just don't want to say anything that would be inappropriate in front of my son.

Marge Webster: Do you want, there's a table on the other side of that door if he wants to do his homework?

JP: Better still. Could you? Thank you, Julie. (name omitted), you're going to do your work on the other side.

WA: (laughs)

JP: You can leave your jacket.

WA: Hey Dad can show you where it is if you want.

NG: Would you feel better if your Dad brought you there?

WA: You can see through the windows.

JP: I think he's just demonstrating something.

WA: (laughs)

(Child) No, I won't.

JP: (child's name omitted), just go over there. I just, I'm going to be with you in a little bit. Ok, buddy?

(child): Ok, Daddy, don't take too long.

JP: I won't, I promise, buddy. You can take, you can take your zero with you.

(child): (inaudible)

WA: Just come through the door.

JP: You can check, you can check as often as you like. That's the real reason why....I would jump in a meat grinder for that kid and I don't, you know what's happened to him and to me is bull. Um...anyway, I picked up these two guys hitch-hiking and one of them happened to mention that he was going through a possible divorce, his wife had messed around on him, caught him, he caught her six weeks ago. I said listen, try to make it work as best you can for a couple of reasons, one you gotta let stuff go sometimes, you know, and two-

Marge Webster: (inaudible) doors still open.

JP – ok, that's ok. And two if you get divorced, you will be totally screwed by the court system. I found that out, when people talk, I'm a physician. I work in an emergency room down in the Boston area, but I live up here. Yes, I remember, yeah-

MW: Thank you.

WA: (laughs)

JP: -Yeah, oh I remembered you right away.

MW: I heard his name and I'm going...

WA: You came to the, we met at the church in Concord, at the West Side Congregational Church, I remember. Ok, now I remember.

MW: (inaudible)

JP: Say again?

MW; I know now. I'm looking at that name going...

JP: Was it about two years ago?

MW: Yup.

JP: About two years ago. I'm still working in the emergency room down there. But um....the um bottom line is that I was married for eighteen years, just about almost eighteen years, love of my life. I mean love of my life and without getting into it too much, she started hanging around with some of my friends a little bit too much, other things were happening and we never really argued for the last couple of years. Bottom line, she decided she wanted a divorce which totally floored me. Wasn't into drinking,

myself, drugs, didn't cheat on her, never raised a hand to her, she even admitted as much, you know in court. He never ever threatened me, I never felt unsafe with him. There was yelling and screaming the last couple of months. I'd be at work and I'd come home and say will you please stop spending so much time with so-and-so, you know, it's really, it looks bad, you know. Anyway, so it's not like I abused her, I did the right thing and went to medical school when I was forty years old. I'm going to be fifty seven tomorrow.

MW: Happy Birthday.

JP: Yeah, thanks. I'm still about a hundred and forty grand in debt from medical school and now I have no retirement, my son who wants to live with me, um, he's with me all, I feel kind of bad for her sometimes, because he always wants to be with me. But when I went to the, the experience that I had with the court system floored me. People at work would always say, you know, it's got to be fifty-fifty, what happened, they get the deer in the headlights look. And I said the one thing I learned here is that if you're a guy, forget it, all bets are off. It's happened to other people, it's happened to me. If I conducted myself as a physician in the emergency room the way that marital master conducted himself, it would be, ok, you got a sore throat, here's something. Ok, you got a sore throat here's something not like the eighteen year old guy who came in with a sore throat and I bothered to take a look at what was going on, listened to his story and found out that he was having a heart attack right then and there. He was an eighteen year old, he wasn't doing drugs, he had a congenital problem and he was having an MI. But he was in there just, well, it's just my throat, If I did my job like that marital master did his job, that guy would be dead. The seven year old that came in with a cough would have died of appendicitis, ok. I mean they just..... I get a little worked up because I got so raked by the court system here. This is someone who, she's not a bad person, my ex-wife, she just is kind of clueless when it comes to responsibility. In the seventeen years that we were actually married, she made seventeen thousand dollars, which is like every job a grand a year. She didn't really have to work because I didn't need to be greedy, I made enough for both of us, that's fine you can stay home and take care of (child's name omitted), if that's what you want to do, if you want to work, great, you want to go to school whatever you want to do is fine with me. But when it came to divorce apparently if someone didn't work, the court rewards you for that. They say, well if you didn't work, let's keep it that way, let's keep it status quo. You were the primary caretaker of your child, well yeah while I was away at work to do what, you know, a good man does. Take care of your family and work hard and die early and leave them with a life insurance policy. That's serious, that's how I felt, I was ok with that. It was like family, my parents didn't get divorced, I came from a family that I was the only kid who went to high school. My parents couldn't read or write English. I was the only one who went to high school. But they stayed together. And I thought that when she did what she did, I thought, well she wants to do this, if she wants to go off and do the desperate housewives thing or whatever, then I can't do anything, my heart will be crushed but, you know, I'll still take care of my son. I get kicked out of my house, I have no retirement fund, ok, and there's so much stress in my job I realized I don't have to worry about retirement, I don't think I'm going to live long enough. I'm not, I'm not saying that tongue in cheek, I mean that seriously. They're getting forty five hundred a month. She has one kid who's easy to take care of. He had one pair of shoes until his grandmother bought him another pair and I was about to get him another pair. Two grand just goes to child support, he's with me half the

time. Every day that I'm home he's with me His college fund's been shot to hell, because she's getting forty five hundred a month, she doesn't work. And she's forty six now and she's got a thirty five year old boyfriend. (inaudible) When I went to the, when I went to the, to the court experience I expected to be treated fairly. I expected a marital master or judge to look at the situation and say ok, did you cheat, did you beat her, did you drink, did you do drugs, were you irresponsible and not worked and just sat around and scratched your belly, drank beer and watched sports while she went off to work? No. What did you do? Oh, he went from making eighteen thousand a year to almost ten times that at one point, you know, not, you know, not really, but quite a bit although what you take home after insurances and med schools loans, I was taking home when we were living together about....what was it, somewhere around sixty five, sixty eight hundred a month. The rest went for retirement, to pay off med school loans, which I was paying off fifteen hundred a month which I'll be doing until I'm seventy, ok. But she's getting forty five hundred a month and if you do the math, I had to stop the retirement account, ok. I had no home, I do have a home now because in the middle of this my father died, which was, you know, that was a lot to go through, too. And he had left the house to my sisters because, you know, Jimmy's a doctor, they've all been excited about that, he doesn't need the money. I never let him know (name omitted) was divorcing me cause he loved her so much and I didn't want to put him through that at the end of his life. My oldest sister and I are like this and she said you know, you're way too good a guy, you work way too hard and got screwed so bad, you're gonna get a third of this, that was the down payment for the house. She said if you sell the house, you get on your feet you can pay it back if not, don't ever worry about it. If it weren't for that I'd be living in an apartment in Center Ossipee or something right now. Working, let's see, I only work about thirty eight hours a week, but I'm away from home about eighty hours a week because I work in Boston and for instance, I just got off a four day shift. I left my house Wednesday morning, I go back Sunday morning. So, you work your butt off, and I mean I lose a pound a day at work, literally. In my section of the ER there were three people we lost, three docs we lost, I'm sorry. I'm going off, but what I'm saying is it's stress here. I'm working through a lot and-

NG: Do you, just so I understand this because I didn't hear you before, do you live here when you're not in Boston?

JP: Yeah. I come back here when I'm....

NG: And do you have (child's name omitted) all the time?

JP: When I'm back here, at home every day.

NG: And where is he the other time, just so I understand you?

JP: With his mom or with his grandmother.

NG: With his mom.

JP: In the same community, it's called Windside Village, it's a-

NG: Ok, I thought somehow he resided in another state and I was just-

JP: No, no. We both live here. I got a place in the same neighborhood. It's a private airstrip. I fly, I'm a pilot. I had to sell the nice plane and...that I had for a long time and...but anyway, I've had to work more to have some sort of a life that one would expect for somebody who's busted his butt for like fourteen years to get to a point. And the court system, I really felt like they didn't care, like it was rubber stamps. I really did, I felt like doing the financial report in crayon for this guy, and I'm thinking, this guy

cannot be dumb, I mean he made it through law school. What, what is it here, is it political pressure, is it just the norm, is it just the norm that, is he listening to this, is it just the norm we say, well you know what, the mother gets preferential treatment. Is he ok? And it turns out the females do get preferential treatment. Now if there's a situation where there's some guy that was mistreating his family or not taking care of his family, working, that kind of - not working, then he deserves to get nailed and he should, whoever is doing the work and doing the right thing should be rewarded, but in a situation where somebody who petitions for divorce gets everything. That's one of the things I'd like to see the court do, is take into account who the petitioner for the divorce is, it's like quitting your job. If you quit your job you should not get all these benefits. If you're the ones that gets out of a divorce and there's no abuse, you're not in fear of, you know, which would be a different situation. There needs to be more individual attention paid to each case. What you doing buddy, are you done with your homework?
(child) : I just want to tell you I think, I think (inaudible)

WA: (laughs) What's the matter?

NG: He's taking too long.

JP: (child's name omitted), listen come her, come here, buddy. There aren't a lot of people here so it's not going to take long. Ok?

(Child): Ok.

JP: But you've got to finish your homework. I let you (inaudible) about it, ok? Look at me, look at me.

(child) : Daddy?

JP: What?

(Child) The pencil that you got, Daddy the pencils in my backpack (inaudible).

JP: No, I put them in there before we left. Ok, listen, this is something important, ok. What?

(Child): Do any of them have erasers?

JP: Hmmm.

WA: I think she's, I think Julie's going to get you a pencil with an eraser on it.

NG: I think that's exactly what we're doing.

WA: Ok, is that what you want?

NG: (laughs)

JP: You want a pencil with an eraser?

NG: Yeah, I think we're looking for a pencil with an eraser.

JP: Are you doing math tonight?

(Child): Yes.

JP: All right, we'll go over it when we get home.

NG: How old is (child's name omitted). How old are you, (child's name omitted)?

(Child): Nine.

NG: Wow, so what kind of math are you doing?

(Child): Adding and subtracting.

NG: (inaudible)

WA: And what grade are you in?

NG: Third?

(Child): Uh huh.

WA: Cool. And where do you go to school?

(Child): (name of school omitted)

WA: Yeah. Well, who's your teacher for third grade?

(Child): (name of teacher omitted)

NG: Oooh.

WA: Is he a good math teacher?

(Child): Uh huh.

WA: Oh good.

NG: Not bad.

(Child): (Inaudible)

(Laughter)

NG: (child's name omitted) has a future in broadcasting.

JP: Well actually he designs aircraft, too. His room in my house is his office, not his room and since I taught him to draw when he was about four years old. He wanted to learn how, we draw airplanes, so and he wanted to learn how to draw. So I said, look, you have to learn how to draw triangles, circles, squares, lines of perspective and then you can do that. And he's, his art teacher in the school actually has petitioned the school to spend more time with him cause she's convinced, he draws like a twelve, thirteen year old level and he's designed over five hundred different aircraft.

(laughter)

JP: I'm serious. He has his portfolios. He makes contracts for other kids in school. He writes up contracts for them to sign so they'll work for him later on in life.

NG: That's not bad.

JP: And he's flown quite a bit. I had him on my lap alongside me, he used to like to take the plane and keep it going and getting vertical.

NG: I have to ask you, a dad was a pilot and these kids flew as soon as they were eligible to be qualified because they flew with their dad who was an airline pilot, years ago.

JP: Well, he, he actually if his feet could reach the rudder pedals, he'd be, I mean he already knows how to land an aircraft and how to drive and it's just great. He and I shared that, that's...

NG: That's fun.

JP: So anyway, the bottom line is that the court system as far as I'm concerned, I really felt like it didn't matter how you prepared, what the facts were. I mean I thought if it mattered, it was probably five percent. Unless I went in there looking like a total criminal and was spitting on the floor, maybe they'd have made it worse. If I went in there with a halo and robes, they might have made it five percent better. That is really the feeling I got. At this point, the court has set up a system where there's someone who didn't work, doesn't work, will not work and essentially if you had to pay taxes on the money, about seventy five thousand a year job. Doesn't spend hardly any of the money on my son. And it's going to continue, it's going to go on and on. As far as what I think the courts can do better. It would be to make sure that these people are responsible, the marital masters and the judges are held accountable for their decisions. They have to explain their decisions and explain it to people who have power over them. I mean I think if there was a jury at the, at the...court date that I had that lasted about six hours, I think it would have been a totally different outcome, but it wasn't, it was all up to the discretion of one person who basically like I said, I felt just....didn't really listen to what was going on. And it's easy

to feel like you've been wronged because it's your side of the story, but bottom line if you had, you guys have any sons, anybody? You got two sons? You got sons? You know the stats? Don't get used to your grandchildren. About fifty-five percent rate of divorce and of that about an eighty percent chance of the wife will get full custody. You got about a forty percent of seeing your grandchildren on a regular basis. Do you want to see your sons go through what we're going through? I mean it's not like some of the people that get divorced will, you know, we're not as good people as the other. I mean I would have never thought this of (name omitted). I would never in a million years thought that she would do this to me. Ok? And I'm, I'm not a Saint but I'm a decent man and like I said, there was no abuse. I went out and, you know...I don't want to use this as a bargaining chip, but you know, people tell me, you don't just go to medical school and they hand you a diploma. I mean you give up years of hard labor basically, um...to do this. I did that so that my family would go places and be able to have a more secure future. And she just blew that out of the water. Um...the bottom line, when somebody, like I said, unless there's abuse in a relationship, the courts ought to really take into consideration who is petitioning for the divorce. You're quitting your job, basically. You shouldn't be rewarded for that. By the way as an aside, and this neighborhood, this community, you know Windside Village, there was one, you know, it was a group of, everybody, we were like the (inaudible) couple in the neighborhood. Parties at our place, there was one of the couples that had been there for a while when we moved there. Thought they'd stay together, they were the first ones to break up. Next thing, (name omitted) starts screwing around, she leaves me. One of her girlfriends recently, her husband's an airline pilot came back from a long training trip, she waved the paper in his face, hit him, blindsided him, I want a divorce and now there's another one going on. And a couple of the other people I talked to said they want to leave because they think there's something in the water. And it's, part of it's because hey look, now I'm free, I'm about to go around and have a good time and date guys ten years younger than me and I'm making all this money and I don't have to put up with my husband. In the meantime, the kid, my son, like I said and I'll end this, my son...no college fund at this point, I'm working on that, has been irrevocably damaged by this. Hi.

(Child): Are you done yet, Daddy?

JP: I am, real soon. Are you done with your homework? I'll make you a deal, when you get done with your homework I'll be done with this, ok? Go finish it and we'll go.

(child's name omitted), go finish it and we'll go, that's the deal now, buddy. Cause he'll never be able to grow up and say my mom and dad were just right there all the time. He'll talk to other kids when he's a teenager and say, oh your parents broke up? Yeah, mine did, too.

NG: Can I ask you a question? Does your ex-wife have-

JP: I'm sorry?

NG: Does your ex-wife have alimony for how long?

JP: Uh...well we've been, she told me she wanted a divorce about two and a half years ago.

NG: Ok.

JP: About two years ago she started getting-

NG: Alimony.

GG: -alimony-

NG: How long is it for?

JP: - it was thirty five, thirty five sixty between the alimony and the child support-

NG: Right.

JP: - initially and we went to court and thought we'd get that reduced and they upped it a grand. So...

NG: How long is it for? Alimony is no longer a lifetime.

JP: Yeah it is.

NG: No, it isn't.

MW: If she remarries you don't still pay.

JP: If she doesn't remarry, three years from now, she and I sat down with the attorneys and had an agreement-

NG: Right.

JP: - that I would pay her this alimony for those three years-

NG: Ok.

JP: - and then I continue to pay child support as long as he is living with her.

NG: Right.

JP: Except that won't hold up in court. My lawyer did not know that, her lawyer did. That doesn't hold up, any agreement we make along those lines, there was a precedence set by another case so that won't hold up in court. It can go on indefinitely because in three years the case gets reviewed. As long as it gets reviewed before a set time, they can review it and continue it, review it and continue it, review it and continue it (inaudible).

NG: Right. But that doesn't mean they will or they have to.

JP: My experience right now is they will because of how.....I walked out of each session that I went to stunned. Like what the hell is going on, so I assume and I can assume with, put it this way, someone comes in to the emergency room and I can see that they're bleeding profusely from their right leg. I can assume they have an injury, pretty basic. After what's happened to me and the court repeatedly, I can assume that anything that can happen to the advantage of my wife will happen and I really don't mean to sound bitter, but huh...if it were a situation where I knew that at the end of three years....this was a situation where I knew at the end of three years I'd be able to stop the alimony, I could live with that because I think, ok I'll be sixty. Maybe I can squeak out another ten years and get some sort of retirement, if I'm lucky enough to stay alive, and get something going for my son. But I know what's going to happen at the end of this period, I have really no doubt that the state, and they're gonna say the state doesn't want to support her and now she's in her late, late forties, you know, pushing fifty, poor thing can't work for herself even though she has a degree and she's able to. When she went to court, by the way she had her little carpal tunnel, I did research on carpal tunnel in medical school and she came in with her little splints and the judge looked at her and said, oh I guess you can't work for a while. Yet, she did quite well on the ski racing team, it was published in the newspaper. Kayaks, you know, but can't work. It's bull shit. So, as far as, I'm sorry, as far as three years.....suggestion-wise, not moaning and crying about my situation, suggestion-wise, have the judges and marital masters have to be accountable and, you know, the presumed joint custody unless there are circumstances that warrant single parent custody, I think should be made into law. Is he done? (inaudible)

JP: Unless there's any questions, I don't know what else I could say to this? Oh, and also, she got arrested for drunk driving. (laughs) Doesn't mean anything, though, she'll get her license back in about two weeks. He doesn't know that, though, he just doesn't know why Mommy can't drive him around anymore. And that was one thing I, I could have brought some things up at the divorce proceedings that I didn't bring up. One of them was there's an alcohol history. Um...and there's some other things that I didn't want to bring up because I thought I don't need to go that far. Anyway. And of course, I'm a Saint.

WA: (laughs) Well, thanks for coming in. We appreciate your time and-

JP: Do you have any questions?

NG: You answered the ones I had.

JP: Ok. I see you got some medicine going here.

(inaudible)

Gary Gagnon: Were there more earlier?

WA: One.

GG: And that lady that (inaudible)?

MW: Thank you, Jim.

NG: That was a member of the commission.

GG: Oh, really?

NG: Yeah.

GG: If people don't show up, (inaudible) out. Nina's heard my story. I gotta sit over here-

NG: Have you testified before?

GG: Briefly. I mean I spoke a little bit a little while ago, a couple weeks ago.

WA: What's your last name?

GG: Gagnon..

WA: Oh, right.

GG: Gary Gagnon.

WA: Oh, ok. The floor is yours.

GG: Ok. I've said some of what I'm going to say before. I know Nina's heard my situation at length and Will, I think you heard it a little bit the last time I saw you. I...I'm out of, I'm almost, I'm sort of out of the courts completely at this point. I have shared equal custody with my daughter. I don't pay child support, my ex and I get along well, you know, I actually just volunteered to help pay for dance that, that she had signed her, signed my daughter up for on her own. And so I'm kind of like on the outside looking back and trying to figure out if I can kind of contribute a little bit to the system having gone through it and having, you know, five years out. I think that's why I'm here. I'm also a member of the commission to study child support custody related or related custody issues. So I've heard a lot of testimony, probably very similar to what you've heard and we spent a year and we're still going through another year probably, trying to figure out what to do with that. (end of first tape, beginning of second, tape may have missed a few words) I'm not the place for it. I just don't believe there's a place for custody, you know, Jim brought up a good point. There's a lot of baggage, you know, and everybody's got baggage and you go into court and the things that really don't need to be brought up are exaggerated, you know, not only do they not need to be brought up, but you feel as though you need to exaggerate them, you need to make them known even though they weren't necessarily the biggest deal but you need something in your corner.

Because otherwise, the other person makes up stuff or they exaggerate things and it makes you look horrible and I remember going through mine and it was ridiculous. In the end I finally told the master, I said, look she's a decent person, she's a mom. You know, she deserves to have some time with the kids. But, but don't take, don't give her time at my expense either, you know, do the same for me. I, I'm a good person and I take care of my daughter well and I would like to, I would like to walk out of here equal and I don't see any reason why that shouldn't be the case. I was fortunate enough to have that become the case but I see so many people at all these hearings, I don't always attend all of them but I attend the ones for the commission I was on I did and you see them and I keep thinking to myself, what makes me different than these people? You know, why is it I got to walk out and my daughter gets to see me, you know, half a week and all these people don't. They don't have children that get that luxury, you know, I got to cuddle up with her this morning just because. Well, these people don't get that and neither do their children. And it doesn't make sense to me because you can't have a master, you know, I can't expect a master to give me an answer to that. They just can't do it because in their mind they're justifying it by this and that and let's face it, they don't have enough time to deal with these issues. They don't have enough time to look at these cases and to actually know what it is that's going on in this family and who is supposedly the better parent, I mean who is the better parent? We know that daycare watches most kids more than their own parents do. Are they the better person, are they the better caretaker? In a custody case should the state then take control of these kids because they've done it for so long? It doesn't make sense. You know, I remember at the beginning of my, my divorce and you go in, in between the first initial hearing and the last one was geez, probably a year and a half. And you get fifteen minutes. Fifteen minutes to go in and you don't even speak, your lawyer speaks for you and you're really hoping and praying that your lawyer is going to actually represent what you want to say. Because you don't get to speak at that time and you've met with your lawyer maybe once, maybe a couple times and you spend maybe an hour...you, it's usually a small amount of time that you've spent with them because it costs money. So then your lawyer gets in there and you know off, I remember with mine, you get home and you're thinking, why didn't he say this? Why didn't he say this and this, you know? Why did he even bring up this, this, and this because they weren't even issues that were important to me and I don't feel as though they were...they were important to bring up, but they chose what they chose to say. So now you have a temporary decree that comes out that reflects those fifteen minutes per side and for me it stuck for a year and a half before you finally get to go to court. Well, that's a long time. And for that whole amount of time I only had three days a week that I got to see my daughter and it was ridiculous. I just couldn't imagine what kind of logic the so-called system was using to do this, this important decision to make. (pause) I've...spoken so many times I forget sometimes, you know, what are the important things.

NG: Can I ask you a question?

GG: Yeah.

NG: One of the things about your case it seems to me important to us is why it worked. Why you were able to get the outcome you wanted and expected. Um....what do you think it was that enabled that to happen?

GG: Well...

NG: I think that's important.

GG: Ok. That's, that's a good question, you know, for five years now I've wondered the same thing. You know, what is, for one how can I get to that point of being able to survive this because it's, you know, traumatic and I don't know if any of you have been through one but it's unbelievably traumatic. And, and while I've been a part of the system trying to change and look at the system and analyze it I'm trying to figure this out, what would work in society and, Nina, you've seen me for a long time.

NG: I have.

GG: And I'm trying to figure this out. I even take classes in college myself right now that are trying to figure this out and I think it's, and I'll give you a little, I'll back up a little bit. My divorce was very, very hostile, if you will. There were restraining orders, there were accusations, there was yelling and fighting, there was, it was really contested. So, so that was, you know, what I experienced when we went through it. When I realized that this so-called system that was supposedly fair. The judge presumes to be ordering the right order, the appropriate order and I realized that this daughter that I loved was not able to experience my side of life but only a few days a week, it really irritated me. It just got under my skin and just, it was like a little, just a little fester and it couldn't go away and now, now this is one fester that's happening. And my parents who had, my Mom was the...my daughter's caretaker during her first three years up until that point. All of a sudden my ex came and took her and put her in the daycare. Not even a notice. My Mom called me up and said she didn't even show up today and surprise, she had decided to choose daycare providers. Now we had to pay for one up the road and it was literally three blocks away, so they were now stripped of a lot of time that they were able to spend with her that they had built a bond together and so it wasn't only myself, it was my family and friends that were...you know, because if you've only got three days a week, you're not about to go and hang out with all the people that also care for your child so that they can get their time, too. Usually you're so deprived that you're going to go out and you're gonna spend, you're gonna do this, you're gonna do that. So you don't give them even their time that they feel and your child knows that they want to be with them, too. So.....so that festered for a long time, you know, and it's building in you and at the same time I was paying child support because right off the bat, you know, if you make more all of a sudden you become the obligor. Which is interesting, um, but I became the obligor and it was a hundred and twenty five a week, every week, just pay out. And I didn't have it. And it was coming out of every nook and cranny of me. I was having to sell my car, sell things that I owned just to be able to make this payment. Literally every luxury I had was gone and at the same time my ex was going out and buying a car a new car actually and going out and buying furniture. And it was just so irritating to me to think that this was the way it worked. When the court changed it...We hardly could have a conversation on the phone or in person where we didn't fight. I mean it was ridiculous. We fought everywhere we were because there was these, this friction between us. Here she was receiving a lot of money and getting, it was almost as if in my mind you look at the court's order and you say, the court has said that you're a better person to take care of our daughter? How dare them because they don't know you as well as I do and I know exactly what kind of person you are and how you, how you've taken care of her at home and yet they're telling you that you, you know, and all of a sudden at the same time she's feeling empowered by this new, new responsibility. Look at me, I've got some sort of control, some sort of, I don't know....you know, what you call it but they see something

in me that I'm better apparently at doing this. So this is giving her some sort of power and I remember saying, you know I don't have the money, you know I can't afford this, you can see all around me all the stuff that I'm having to sell. Do you think this is fair? The court said this is what you need to do, and she could never answer it because she knew exactly how much I had and how much I was losing. And she's, she always would fall back on the court said, the court said and it was as if the court said then that made it fair. And, let's face it, people do think that if the court says something, it's echoed out through law enforcement or anybody else that is there to enforce these orders. It's fair, that's what they do, they look at the facts and it's got to be fair. But it wasn't fair, there was nothing about it that was fair. So I'm, I'm irritated about that and she's looking at it saying well, the court said that and we couldn't get along the entire time until we finally went back to court and even then she...she was adamant that I was not going to get any more time than the three days. Her lawyer tried everything she could to maintain that status quo and even increase the amount of child support and it didn't end up that way. It ended up split. And they dropped the child support because it was split, down to forty dollars a week. Now that was tolerable because for one when you come from a hundred and twenty five down to forty it's, you can almost say that that's livable. But the most important part was I was able to spend half the week with my daughter. She was able to now have pancakes on Saturday morning like she had had for however long before that and she was able to enjoy all the things that I was able to provide as well as my family and their family. You know, my extended family members. That removed this itch that had been festering for so many years. And with her, I think my ex realized...it took, it took a little while but I think she realized that the core of my frustration and the core of our battles was truly centered around that, around that control and that assumption the court had made that one parent was better. And because that parent was better, that money had to flow over in that direction. And since then, since then the child support has been dropped completely. Like I said, we talk, we see each other every week. I don't enjoy going to see her, I admit, I just don't enjoy it still. It actually bothered me a lot just to go and see her, but I put on a smiley face and I, you know, and I do what I have to. But we don't fight anymore and that's the important part because my daughter can see every bit of it. She can know when there's friction. She can tell when there's any bit of, of frustration between us but we don't have it anymore. There's no need for it. She's accepted that for one, this is the way the court now has made it. It's supposedly fair so she doesn't even, it doesn't even bother her. I've talked to her about it, it doesn't seem to bother her at all. As a matter of fact, she gives me more time now than I actually now, you know, am allowed by court. We trade off sometimes, she'll need her for an afternoon and we'll just kind of swap back and forth. But there's this feeling that if we go back to court, cause I can't, I can't sit here and say that it's always rosy, you know, there's sometimes there's conflict. You have a situation, you know, she, (child's name omitted) wants to do this. And it's on your time but I'm bringing her to that, I want to bring her to that. Well, I've got something scheduled for that time, you know, I've got something planned, well this is important to her, you know, my relative or something is coming up from, you know, and why didn't you let me know this before. I mean there's all these, friction and it came out of nowhere, you can't plan for it, you, it's thrust upon you. And sometimes we will compromise, we will find a way to say, you know what, all right do this and sometimes you hold your own and you say look I made plans, I've got to stick

with these because I can't, I can't just give every single time something comes up. But there's also behind that this feeling that if you, you make this your mountain to fight on because everybody has to pick and choose your battles, I mean you guys have to do it in your own jobs. Which ones are worth fighting, which one's aren't?

NG: We do it in our own lives, too.

GG: I know. You can't, you can't live without having to confront those. And which ones are worth going back to court over? Because really that's the, you know, the final arbiter. You know, and the court doesn't want to hear it, this is petty stuff, it's all petty to them. They're going to listen and then scold you, stop squabbling, stop fighting, you shouldn't be in here for this garbage. And that's exactly what they want to say, but instead they have to hear it and they have to waste our tax-payers money to sit there and listen to this stupid argument. So we both realized that it's not worth it to go back to court because we either have to take time off from work or hire a lawyer and neither of us really wants to hire a lawyer for something minor. So we, we deal with it. We just suck it up and deal with it and I don't think we've been back to court....I don't think we've been for....two, three years. It's been so long that I really, I don't remember the last time we went to court. And if we did, I think it was to drop the child support and I don't think that we had any other issues that were coming up at the time. I really think and I know you probably disagree, Nina, but I think HB-529, in my opinion, would move the court to a position that would enable the conflict to start going away. Now I live out in society just like you do and I'm trying to weigh the unintended consequences of this law, if it was to be passed, what would be the pros and cons to it. Because I'll live with it, too if I'm here supporting it and I really think that when people realize when they go through a divorce, it's not going to be the way it was. They've got to compromise. It's not going to be easy. They're going to lose some. They're not going to always get their way. But I really think that it needs to be fair and one of the parts of this bill that I think is so important is, is the judge being accountable. Writing down, you know, writing down a reason, no matter what the reasoning is, write it down because you can't, we don't accept that in any other, in any other type of court scenario. You know, if you're guilty, prove it, you know. If you did something wrong, prove it. You can't, you can't take money out of somebody unless they've done wrong. You know, or they deserve to pay it and yet I look through all my court orders and, and the documents from the court and very few of them actually have any reason behind them. Well, what does that say to you if you get court orders and you have no logic to go behind it? You pass it around amongst your friends and you say, can you make any sense of this and they all shake their heads. I don't know, I don't know, there's some mystery logic that the court is using and it's not. I mean, I really believe these people put on their pants one leg at a time. They're winging it, I really believe they're winging it. They're trying the best to be able to go home at night and sleep and make sure they have done the best that they can do. Now whether all of them actually do the best that they can do or not, I would debate, I don't believe that all of them do. But I think that that should be a goal and part of it is they've got to write down why it is they do what they do. You've got to have that. You look like you have a question?

WA: You said earlier you didn't think that the courts were the place for custody determinations to be made. How should they be made?

GG: Well....it seems so far. I think I would agree, I disagree with (name omitted) on 529,

but I agree with him on the fact that the court is not the place for it and it seems like that right there is why he doesn't support 529. At least from what I've discussed with him.

WA: Who is (name omitted)?

GG: I'm surprised he hasn't come-

NG: John was one of the members of the Task Force on Family Law.

WA: Oh, ok.

GG: He's an, he somehow has gained a lot of credibility and you know, I hear him speak and he seems-

NG: he's an attorney who practices in the family law arena.

GG: In Laconia. And he's on the Family Law Task Force. I think that it should be outside of the court but I'm unsure as to how to structure it because I don't know legally how you can have binding decisions that don't go through a court. I don't know if that's possible to have some sort of scenario like that. Administrative.....

WA: Do you think you and your ex could have sat down before you went to court and made a determination you both could have lived with?

GG: I think we both could have, yes. Yes.

Jim Pacheco: Gary, can I interrupt for one second?

GG: Yeah.

JP: With that point, which is a point I needed to make going through the (inaudible). I have my son half the time, but I was awarded two days a week, which incenses me. I thought who the hell is the state, I don't care if you're God, you don't take this guy away from me, you know, unless I do something wrong. A level playing field like you said, you don't know where, you know, where it should be, if it's not in the court it should be a level playing field should be presumed right off the bat-

GG: Well, that's part of that bill-

JP: Yeah.

GG: One of the things that...I think we could have, because in the end, you know, when I went into court, I, I was adamant. My lawyer would come to me and he'd say, he'd say, you know, she wants this, she wants this, she's not going for half time, you know, she wants, and the time, I was getting little bits at a time but, but no she's not, she doesn't want to do this. And, I said, I'm sorry, I'm, unless that order comes through and it's exactly half, because I, I really, really am willing to step up to the plate and try to be a parent here half the time and, and I don't see any reason why I shouldn't be allowed that and I don't, I really think for my daughter's sake that that would be appropriate. So unless it comes through like that, don't even bother to show me, don't even bother. Send it back saying sorry and we'll go to court because I'm not going to accept it and in the end that's exactly what it was. Now all that time could we have gone to mediation and been strongly encouraged to find a way to work it out because the whole time I would talk with her, my ex, when I say her, I'm referring to my ex, whenever I discussed things with her she was a reasonable person. Now I don't believe she's a rocket scientist and there was a lot of areas that she had a hard time putting her hands around, you know, grasping the concept of it. But there was a lot going on, there was a lot of fear, there was a lot of people telling her that, you know, you know, you're going to lose this, you know, this is the way it's going to happen. She came to me crying one time and she said I can't let you have half because if you do, what does that say about me as a mother? And it was like...shaking my head thinking this is what we've come to? We've come to a point

where she's...she's not willing to look at what's right and wrong, but she's looking at what, what she will be presented and (inaudible), you know, she's less than something, because she didn't get custody. It was like, come on here. This is ridiculous. And I can understand it, I can sympathize with her on it but I couldn't accept it, I mean...you know, I wanted to say suck it up, I'm sorry but, you know, you know, what does it say about me, you know, when I can't be a parent here?

NG: Can I ask a question, Gary? One of the, one of the comments that I hear is in one of the things that existed five or ten years ago, not so much now, there's a sense that most dads sought custody of their children, not because they really wanted them, but they didn't want to pay support.

GG: Yes.

NG: Ok, it's the same, it's the same story, just different rink, no self respecting man would admit publicly that they didn't want to parent their children.

GG: Yeah.

NG: Ok. So that it's an argument that's out there in both sides.

JP: A lot of people are talking face-to-face (inaudible-not near microphone) my son.

GG: We discussed that in the commission that I'm on.

NG: Right.

GG: And, you know, history if you look back and why child support was established, there's a number of reasons why it was established. But one of, one of the arguments that I've heard recently is just that. That...that one of the reasons people started going after men for child support was to get them more involved because it seemed as though they would walk away from the family. There, there were examples of it, a significant amount of examples that men, were walking away for whatever reason, and to use an old school type of attitude, you know, women weren't in the workforce as often. They, they weren't as exposed to co-workers and flirting and men were. They're out there, they, they have opportunities outside the home and I don't know if this is ...is all a hundred percent accurate but I've heard this, and I believe that to some degree there's some truth to it.

And they would, there would be examples where they'd walk away. And I believe some people wanted child support to be placed as a burden toward a father if anything to show him to be like and incentive to get back into the family. And I heard a female say...if, if this is, if this is what's bringing them back, they have a long way to go because they should have been willing to come back on their own. Without this incentive, so to speak. And I, I have to agree. One of the things I mentioned last time I met you, Will, was when I started to go through my divorce and I told you I was paying out what felt to me like large amounts of money. Now to somebody that's maybe a doctor, you know-

JP: (Inaudible)

(laughter)

GG: - it's you do, you do, but to me it was a lot of money. It was all I had and it was really killing me. So I, I had, I had two things going on here. I told you I had my daughter that was killing me. I mean I'm staying up at night struggling with the fact that I can't read her a story every night. I used to go in every single night and say good night to her and I couldn't do that anymore. I was only able to do it a couple times a week and that was killing me. But at the same time, yeah there was, there was this...this other side of me that was saying, I'm going broke. Every aspect of this, of, of my household, my lifestyle is going broke. And is this a wake-up call that something drastic needs to

happen? And I've made it clear that I will, again, that I wasn't the parent that I should have been growing up. I shouldn't have, I should have been more involved in my daughter's upbringing. Now I can show you many examples of people that don't have custody of their kids that were very good parents to their children. Very good. And somehow, they still don't have custody, But I wasn't. I wasn't there at home. I was out working sixty, seventy hours a week, doing what I thought I was supposed to do. That's what my father did, you know, and I still can look back and I'm actually kind of frustrated about that, the fact that he wasn't able to see the importance of being home. But that's, you know, that's another day. That's another issue, he, he did what he thought he had to do, provide, and that's exactly what I thought I had to do was provide and I was doing it. So when I go through this divorce....I realized then what I was about to lose and what was important to me. My life, my marriage...was falling apart. Everything that I had worked sixty, seventy hours a week for was crumbling underneath my feet. What was it all for? You know, and I had worked all this time to build up material things to then be thrown out and taken away. Now since then I, I don't have that job anymore, I chose to switch careers completely and I started working at the school actually for a fraction of the pay. But it was what was important to me at the time, you know, I switched completely. I really think that child support is, is unfairly discussed, because...to this day if I had to pay child support over, I would be irritated. I would be frustrated. I would feel as though the system didn't trust me to make decisions on where that money was to be spent. And that somehow she was a better person to decide where that money was to go. And I can say that even having half time, because for a while there, it was like a year or two, she still did get child support, forty dollars a week for a couple years and it bothered me but not nearly as much because it wasn't as much, I can tell you. And I was able to live with it. But it still told me that somehow she was a better person to decide where that money that I was working for...how that was to be spent and it just didn't make sense to me as to why they would, would somehow give her this, this power.

WA: So, do you think you could have, if you had started out before you went to court and you could have come to terms on custody, could you have come to terms on a financial...you know, settlement that you're at now. Is that something that could have happened before going to court?

GG: It would be doubtful that we would, we would arrive at the same financial situation that we are now. I just don't think that-

NG: Time has-

GG: Yeah.

NG: Time has been such a key factor in your situation.

GG: Yeah.

NG: I think, because I've been, Gary, the whole five years almost. And what I see is, is the growth of the decision making for both of you. I certainly don't know your ex wife.

GG: I think that time helped to allow me to accept and understand certain aspects because again being a part of it, I'm trying to look at saying, you get infuriated by the order and I can't, I don't think I got one court order back that I actually thought was totally fair. I mean you look at all of them and you're just like, oh that stinking person, they just disgust you. But I think that we could have worked things out a lot easier. Collaborative law, when I first learned about it, it really surprised me, it's like, this exists? And we have it in New Hampshire, well, you know, why don't we try something like this. But one of

the things that got me even more than collaborative law that more powerful and everybody tells me that it's not possible to do is in mediation, I think that people should go to mediation and there should be some sort of professional, and I'm not talking somebody that just goes to a twenty hour course or they've spent a couple years in the field or they've got an associate's, like they do with guardian ad litem, which I think is a joke, but I think somebody that really knows. And it's hard to put my finger on what that would be but that can sit down and help, almost like a therapist and sit there with the two of them and say, I'm going to be in the middle here and I'm going to be neutral and you're not going to fight in here, but I want you to kind of put out something and I want you to think logically because this is what you're going to do. Because right now you're wrapped in emotions, both of you are and you can't see through this cloud of emotions and I want you to write out things that you, you feel, you know, maybe you're hurt by, maybe a little bit of therapy at the same time, but also give me some, some plans for the future of what you see happening in the future and come together on this. Now, this isn't always easy, people say it won't happen, you know, my so-and-so they're, they won't, they won't even talk to me, I mean they're not going to sit down at some silly meeting and discuss this and my ex refused. The court ordered it, go to mediation. Her lawyer told her, you don't have to go to that and you don't, in New Hampshire you don't. The judge cannot force you two to go to mediation. There was no restraining order at the time, there was no violence or anything, but they can't enforce it so she didn't go, but even if you do go, if one person doesn't want to participate and they just stonewall the whole process, you go right back to court. You go to court-

WA: If they stonewall the process because they think they can do better in court and they can, then there's a flaw-

GG: Yeah.

WA: - but if you make it mandatory from the get-go and you only go to court because you're not cooperating and the person who's not cooperating sees the short end of the stick, then maybe you're onto something.

GG: Well, you're thinking along the same lines because this is what everybody butts up against me and says you can't do that. Because this person that is sitting there between the two, I mean they're no dummy, they've already, they've got some training and they can see right off the bat, you know what, you so-and-so you're putting out some logical, you're actually separating emotion from...from facts and you're trying to come up with a plan, a parenting plan if you will, cause I mean that's a buzz word. Yes.

NG: It's statute now?

GG: Yes. It is, it is statute now. So, you've come up with, you've come up with a parenting plan, but and now, now you want to look at this, but this person over here is still wrapped in emotions, now maybe they've been hurt, there's a lot of reasons to hurt. My ex cheated on me. I was hurt, I was mad and I was hurt. So, but oddly enough I was the one looking at it logically and trying to sift through it cause I was sick and tired of going to court but if you, if you can get both of them to strip away their emotions and start looking at it, maybe there's a way that you can work it out. But this mediator person has to be able to go back to court and say Your Honor, we, we could have made progress, because I believe that with every couple, unless they're literally going to kill each other in there, there's a chance that they could make progress. Now, domestic violence is a whole other issue and I won't go there because I have my own opinions about that, but

aside from that there's a majority of people that aren't in situations where there's domestic violence and I think that they should, it should be an obligation that they sit together and try to hash out something together. Because let's face it, they spent a period of time together shacking up, they spent time that they did love each other and they need to face this. I mean you don't go into this and have a kid without taking on some responsibility and part of that responsibility is learning how to get through this. I mean you've got to get to the end of this somehow.

NG: Gary, I just have to ask you, where could you do that in the process? One of the things we were talking about when we had time (inaudible) the way you get this stuff now is by going to court.

GG: Yeah.

NG: You get to the Child Impact Seminar, you get to mediation that way, if they do any of the other ADR stuff that we talked about in the report, you get all that by going to court. The only way you can get access to the court's funds-

GG: Yeah.

NG: - is through going to court. Is there anyplace you see, I mean, can you imagine that as you were experiencing the difficulties with your wife that you would have gone to a mediator rather than to court?

GG: I personally would have. I wanted to.

NG: Ok.

GG: I saw that, that it was, that I wasn't going to settle for less than half and I was willing to say, look I, I don't, I don't really, I'm not going to pull out all this garbage and throw it at you, I'm not going to make this big deal, I'm not going to try, I'm not going to try to paint you as this person and drag all your history into it if you just look at this and try to be fair. That's all I want is fairness because who doesn't want to be treated fair. You go to court, you hope you're going to get treated fair and if you don't, you're gonna be mad.

WA: I think the question, is there a possibility of getting a fair settlement with what both parties believe is a fair settlement before.

(inaudible-talking at same time)

NG: And the other question Gary is-

JP: (inaudible) better off.

NG: In mediation?

JP: Well in the beginning before we started, (inaudible) before the lawyers got involved-

NG: Well, that's my question.

(inaudible-talking at same time)

NG: My question is, you know, there's a culture, one of the things we talked about having that really needs change out of all of this is it's an adversarial process and you put in trained litigators, I'm not a lawyer, and so you then put the trained litigators into the process, they're goal is to get the best for their client that they can get. If you sort of backed out and got lawyers who would never encourage their clients to go to mediation. You know, it's a competitive skill, it's like the lawyers who won't consider collaborative law. So is there some way before people get hooked up with their lawyers through their divorce that it would work better?

GG: You've got a problem there, ok, because not only-

WA: After he's done you can-

JP: Yeah.

NG: Yeah, right.

GG: Cause I'm on a roll here, I think.

(laughter)

GG: Um, oh yeah. She's got a lot of good ideas. Um, it's, it's, I don't think it's going to be a quick fix because I really think that you've got, you've got, you've got a long time that you've got to set something in place. Right now I go to, I go to school, right. I go anywhere and you ask people that don't know the court, what do you think would happen when, when you divorce. Most women will tell you, well I'll get the kids, I mean you know, if I had to go through a divorce I'd probably get the kids, you know, and most of them seem to feel like this and without, without understanding why or even looking at it from another angle, they usually kind of feel like, yeah, that's what happens usually. We've started to see a shift, though, I think in the last couple of years where this question has come up a lot more and, and it's being talked about. See it's going to take a lot more time before people are accepting of, of a change and even, and even the process of being, no it's not clear cut, you're, whenever you go to court, it's not going to be cookie cutter. It's going to be facts, it's going to be, it's going to be hopefully fair and I think that if you, if you take out the lawyers, now the thing that is so nice about collaborative law, is they have to kind of work on something and if they don't agree on something and they, they bail on that so-called agreement, they have to bail on their lawyers. Well that's kind of incentive to kind of make things follow through with the agreement that you've had. But you mentioned something that it's their goal, these lawyers, it's their goal to fight in an adversarial process. It's not only their goal, it's their obligation.

NG: Right, I meant to say that.

GG: Yeah.

NG: Right.

GG: They have to otherwise they're letting their client down.

NG: (Inaudible)

GG: Well, they'd be sued.

WA: Well, I think the perception is that it's in the best interest of an individual party to sue the other one for all their worth-

GG: It is.

WA: - and you're going to have this problem-

NG: Right.

WA: - that, you know, from listening to you and many others who've testified, it's pretty clear that there's a problem here, that, as you're suggesting, it's not so clear what the resolution is, but.

GG: Joy?

Joy Littlefield: I (inaudible) brainstorm.

NG: You had a brainstorm?

JL: Um, you know, when you file for divorce, when you send in your paperwork and everything gets filed, and then you hear back from the court saying we have to see you on a certain date, they have to see you if you're going through a divorce, so you have to go to court. But at the same time as sending that letter back, they could say ok, we expect to see you back here at a certain time but before that day, you have to go to this mediation and if they did it as a requirement, if they sent you both a letter, which they do saying ok this is a requirement before you come to court, you can't get divorced until you come and

do this as a requirement and then if there was a mediator who was able to bring that to court and say ok this is what happened, this is, you know, and then that way there is some form of mediation at the beginning before you even go to court and your reward for going to it is your divorce.

GG: You asked, it, it's a goal. I believe that's a good goal and I think as you sift through your research and try to figure out some recommendations, you'll, there's some problems with it, because there's funding, courts always are under-funded.

WA: I mean, you know, ostensibly you would have to be, you would jointly have to pay for this-

GG: Indigent people can't-

NG: I pay for those parties who can't.

GG: We paid for that.

NG: Oh you, you borrow it from the state, right.

(inaudible)

NG: Because you have to repay the state. But there is access to court mediation, court-funded mediation, um, now, but the access to that is you go into the court.

GG: Into the court.

NG: And that, and they base on the financial affidavit, and I'm just wondering, there's the financial piece in order to get access to the mediation at the reduced rate, you'd have to fill out some financial affidavit and somebody would have to determine you to be eligible. Um, but assuming you get past that, where in the process could, you couldn't do it before, you couldn't come to....you'd be handed by the court a piece of paper that says before you file for divorce-

GG: Yeah.

NG: - just thinking of, you're at, you get the papers in court.

(inaudible)

NG: - I was thinking before you file for divorce, you must do the following.

GG: I think you're on to something, because when you, when we, we, it was a process of going through divorce. Right, and I understand it's common, it's quite a process, and it doesn't always start with going and getting a divorce, sometimes it starts with things aren't working out, you know, we need to probably separate or go through a divorce or something and then sometimes often, sometimes you don't. You try to get back together, geez, you know, this is complicated, you know, maybe, maybe this is the wrong way and you try. But we actually tried to go through and say, why don't we, because we don't have a lot of money, why don't we try and do this ourselves, and it's not that easy, you know, it's not that easy to go in together and try to go through a divorce without a lawyer writing stuff up for you because you have no idea what to do.

NG: But what if you could have gotten unbundled through this process where you could have gotten not the full (inaudible) but you could go in which is one of the other pieces that people are talking about and the court is looking to draft the rules to let people, so discreet services, like helping you write the agreement on the financials or-

GG: A consultation of some sort-

NG: Some sort of consultation where you could get so much done with the disclaimer that, you know, this doesn't mean that we've covered all the issues, but we could do this piece.

GG: Right.

NG: Would that have helped?

GG: I think it would have. Um...

NG: You still got a lawyer.

GG: You still got a lawyer in the middle, it's a step, now I don't think that's going to work necessarily for.....uh...families that have more money. Ok. If you've got, if you've got a family and either party has access to significant funds, they're going to feel as though they'll be better off if they hire a lawyer. I mean they're going to feel that way, that they're just better off. Now I think that if you don't have the money, then you're more apt to seek these kinds of services of how can we make this work because I can't get a lawyer, I can't afford a lawyer.

MW: They can't get one.

GG: They can't get one, or I'm on a list or whatever it is, so that's, so that's what you can, I think you're more apt to, if you're an indigent family, you'd be more willing to probably look for a way out like that. But in situations where you do have money available, you're probably going to dish it out and you're going to dish it out, especially if you've got quite a bit of money at hand, to any lawyer and you're going to pay it because you feel as though you're going to get the upper hand. Surprise, here it is. Now was I surprised, somehow she got a free lawyer and attacks me when I didn't know it. It was, Mr. Gagnon I have your tax return check. That's why I haven't received it in the mail, you know, we're using it as a retainer, you know, for your ex.

JP: What saddens me about this conversation right now is that it's (inaudible-not at microphone) streamline the process, but what really saddens me about it is (inaudible) make divorce even easier, as opposed to, why would the state encourage people?

NG: You know the task force looked at that question and I have to tell you they looked at either trying to remove or reinstate all of the grounds for the divorce. Gary was there for some of it, you know, those are tough social questions to deal with.

GG: Yeah.

NG: Um...

GG: I think the reality is it's not going to happen. I, I hate to say that and I like to say, I would like to agree with you and think that and I've (end of one tape, beginning of another tape may have missed a few words)

JP: (inaudible) this crazy thing and I was in residency and for a while I thought, oh all these nurses looking at me, I said no, chill out don't do this, you've got a great wife, you just had a baby, don't do it, sit on it for a couple of years and this feeling will pass and it did. And you know if people can just, if you want to get a divorce unless there's, unless there's some sort of threat thing, you know, make this a little bit, you can't get a divorce like that, make it a little bit harder.

JL: Proving adultery is almost impossible, so your spouse could be cheating on you and the court could say, no sorry there's no, you can't prove it there's no- (inaudible- talking at same time)

GG: That's the same with-

JP: But still you could make it, you don't have to make it so easy on them, you could work it out so that somebody, it would have been hard (inaudible) in my situation, but most people, if you can get enough going where you can say, you know what, there's a good probability that they have a good case.

NG: I've got to say, Gary remembers the story where (inaudible) wanted to call it grounds for divorce remains on the statute books is that you join the order of Shakers. Ok?

(inaudible)

NG: Shakers. If you join the order of the Shakers. You know, Shaker Village?

JP: Yeah.

NG: The people who joined the Shakers all took a vow of celibacy and they left. We brought, the task force is looking at the grounds for default and we tried to decide whether to reinstate them, which is what you would like, or to do away with them, the group decided that they favored the notion of staying with the no-fault divorce system we currently have. And I can tell you the legislature, because I follow this stuff, has over the past ten years had at least four or five bills in over that time to put fault grounds back in, and they just don't seem to gain any traction. We looked at removing some of the silly fault grounds that exist like that one and we couldn't even remove that one. You can't even become a Shaker because there is no Shaker organization anymore, so the whole issue around fault is very emotional for people. It is-

JP: (inaudible)

NG: It is very emotional for people.

GG: It's very difficult to prove and, you know, I mean, I tried, I wanted to prove, I wanted to prove her guilty of adultery for, just out of spite. I was so angry that she did it, I just wanted her, I wanted the court to say you've been wronged, you shouldn't have done this, you messed up a marriage. And I wanted them to say that and in the end you have to just swallow it and say it's not going to happen.

WA: In reality I don't think it's the court's job to be an advocate for marriage or an advocate for divorce-

GG: It's not supposed to be.

WA: The court's job is to settle disputes and I think the question I'm curious about is whether there's a way of settling these disputes before they get to court. I realize that's not in every instance possible and if you, if there were a protocol that everybody had to go through, particularly when children are involved where instead of the adversarial thing that you step right into, you only file for divorce, as we were saying earlier, after you've been through mediation, and you've determined that one of two things is going to happen. Either you can agree on a financial settlement and a custodial settlement or you can't. And if you, if you decide that you want the court to decide that and you, and you don't expect a, you know, an upper hand by making that decision, then you decide to do that. But I think that the problem right now is that I have talked to a lot of judges that do these kind of cases, believe me, they would love a way to not have to make a decision in ninety five percent of the cases that they have to make a decision and many reasons, and for many reasons that you cited. They don't have the time to fully understand the facts of the case and they will admit that, you know, and that's not, maybe that's not the way it should be but that's the way it is because there's only so much time on the docket and there's so many cases. But if you could figure out a way and this is what I'm curious, I'm not sure there is but I'm, if there were a way to structure the process so the adversarial environment was not the first thing that you stepped into-

JP: (inaudible) make it (inaudible) make it law. Say you cannot, it is illegal to seek (inaudible) aid of an attorney in a divorce without first (inaudible)

NG: You don't do that.

WA: Well, I don't think you do that but what you could so is you could force a couple with children to go to mediation before you've been to court.

NG: And that's what you're going to do now, but you've got to go to court first.

JP: Mediation is not going to work if you know, if you have one party that just sits there and stonewalls like you said earlier (inaudible)

WA: But I guess the point there is that the presumption on the part of the judge cannot be that that person has an upper hand and I don't know how, that's the part that I have the difficulty with is how do you train the judges to, to take mediation for what it is.

MW: There's mediation that is going on in this building and I can tell you one of the cases, the male component of that wanted no part of it. He came to the first meeting with wanting no part of it. Mediators who are trained can do a really good job to smooth that out and it may take some time to do that but it did in this case. He came angry wanted no part of it and all that stuff and in the end they both felt that they had made an intelligent decision-

GG: That's encouraging.

MW: - based, based on the children and the marriage and the partnership that it was going to take and the mediator was really like phew but it was work I mean and it wasn't all roses and-

GG: It's a hard job. It's a hard job because you, part of the thing is, you are hurt. I mean you usually can't go through a divorce without feeling a lot of emotions and really hurt.

MW: On both sides.

GG: On both sides.

MW: On both sides.

GG: So, when just the acceptance of the fact that things are going to be completely different, just the acceptance that everything I've taken for granted is not there anymore. So you've got a lot to overcome but you've, you've, one thing keeps striking to mind and I don't even know if it's allowed, but if...why is it that, I mean, I've heard it on one side and I've heard ...women believe, believe it or not I've heard it on both sides, women believe that men sometimes make out better in court and there's a significant amount of men that believe that women make out better in court. Ok. I mean I may have my own biases there but I, I, that perception is out there from both sides.

MW: But if you, can I interrupt you?

GG: Yes.

MW: If you had a mediator.

GG: Yes.

MW: All of that undercurrent garbage there, you'd add that in the room with the mediator and the spouse.

GG: Yeah.

MW: And sometimes when you have verbalized that and have been able to look at the person that you feel hurt you, I think that after that verbiage has come out, and you look at this child or children that you're going to have to partner, I mean, your ex-wife is going to be a part of your life forever. She's the mother of your child, she's going to be the grandmother of your grandchildren and you're going to hopefully be able to partner some intelligent way. I think that maybe some of that garbage comes out ahead. In court, you can't look at her and say blah blah blah blah blah.

GG: No, I can't.

MW: In a mediator you can do that. Do you think that would make a, does that make a difference?

GG: Yes.

MW: After you get all that garbage out is when you began to smooth out?

GG: Yes because there was every conversation-

MW: Because this is the first time I've seen you so I'm getting this for the first time, so.

GG: Well, I, I agree. I think that there is, there is an amount of....

MW: Venting.

GG: Venting, if you will.

NG: The timing, there's a curing.

GG: Yeah, there is.

MW: There's a healing. There's a healing.

GG: Like you need to know what you did to me, you know. Maybe all this time I've, I did or you did this, but, well the other person could say I did this but you didn't know why I did this, you know, for all these years you did this. You know what I mean?

There's a lot of it back and forth that needed to be vented out.

MW: And that was done, is that when it came to smoothness and-

GG: Well I mean in mine, I think, I think mine was more or less the court, when the court laid out this is the way it is, fifty-fifty, both of us, we couldn't look at each other and say that's unfair. I mean neither one of us could actually say that's just, that's unfair you know, we both knew. That's, that's, you know, that's fair.

MW: But for me hearing it from the first time, I'm going to tell you hearing this the first time, I, as I listen to this, money is an undercurrent.

GG: Oh yes, very much so.

MW: Money is the undercurrent root here in both cases.

JP: You know, when you guys were talking about venting and all of that, I don't think that's going to work guys because (name omitted) and I went to counseling before she said yup, I don't want to do this and she said I think I want to get divorced (inaudible) counseling went to a couple different people. I've dealt with people who are counselors in emergency rooms, um, and some of them are good and some of them are harmful.

GG: Yeah, I agree.

JP: Uh, and there was a lot of venting going on, do you know why you did this, or you did this and I did this, you did this, (inaudible) and you know what, it didn't get anywhere. It got, it got some of the closure figuring out what the other person's motives were, but the bottom line is that what really happened was exactly...I told her when she did this, I said what's going to happen is we're going to go into this with the best of intentions, you know, we're not going to want to break each other here, we love each other still even though, you know, you want to get this divorce, but what's going to happen is I'm going to try and keep it together, you're going to end up talking to your girlfriends and lawyers and things are going to be out into your head and one things going to do this, you know. It's one question after another and the next thing you know we're going to end up when this is all said and done, we're going to be enemies. We're going to go from being best of friends to being enemies. And that's what happened. I have a friend now who's getting divorced now, he's a physician. She's divorcing her um, husband who makes about three hundred and fifty thou a year, she makes about a hundred and twenty

and she's been telling me how they wanted to do this without lawyers. They've got a couple of, they've got a one point two mill house, they want to break it all up, going to do this all honestly and fairly and over the last couple of weeks alone it's been gee, I wanted to get this and he was really bitchy about that and then next thing you know it's been shipped off to lawyers and it's going to be, both of them are going to have a nasty divorce, I can see it coming.

WA: Let's see, I guess what I'm suggesting is not, the purpose of the mediation isn't to get them back, get you two back together. The purpose is to identify how you're going to get your kids through their life, through their childhood-

JP: (inaudible) great mediator. We tried that, um, fellow in Concord, really nice guy. I'm blanking on his name, he's an Oriental attorney, great guy, we were there for oh it's, um...you know what? It didn't work. The amount of money that she was asking for, even he was coming up to me, she was in one room, I was in another room, he'd come up to me here's the proposal, can we do this, do this, does this look good. He'd go back to her. He did this for hours. He'd come back and shake his head. He was being neutral but you could tell from the body language that she already knew that if she went past this phase and went with the attorney she'd make out better, in fact that's what happened.

GG: So why is it when, when you go to court, why is it, why is there even a perception that one, one scenario is going to always be, you're going to score better. I mean, that's what I'm trying to figure. When you go to court and you, you've done away with this mediation process because you know that you're going to get a better deal so to speak-

NG: You think you are.

GG: You may not, but you think you are.

NG: You think you are.

GG: Why is it that you even, even have this ability to think you are because why is it almost predictable that some people, or so predictable that some people believe-

JP: (inaudible) statistics.

GG: Well there are some statistics but, but you know, like I mentioned before there is a perception amongst genders of, of some of what's going to happen. Why is it you even have to, why is it the judge can know. I mean, why should they? If there is this perception out there that they're being biased, I mean the recent statistics for 2004 just came out, the custody shake-down and, and you know, and even the contested divorces, it was, I think the fathers got eight percent or something compared to like the -

NG: We know the problem with those statistics.

GG: Well-

NG: You know-

MW: You make them (inaudible)-

NG: No, the problem with the statistics is that they're not, they don't capture all of the outcomes as they're decided by the parties themselves. It just does, the statistical reporting is just wrong, the way the courts are capturing it. There aren't the proper fields to capture the data and until the court system changes those forms, they're not going to get revival data. I'm not arguing with you that dad's don't get adequate and appropriate support, involvement with their children, I'm just really saying that the statistics that the state is gathering is just adding fuel to an already miserable fire.

GG: Exactly.

NG: Ok.

GG: So what I am suggesting....

NG: Yeah.

GG: Is eliminate the gender aspect of custody. I mean of the divorce proceedings. If you have to go to court, you need to present facts, not, not with the judge knowing your face, because you know what, this person that looks a little bit odd, you know, there s a chance, I'd like to think the judges are unbiased, that the judge might think that you're just weird. You just are weird. Or, you don't look like somebody that I would want to be taking care of these kids, but maybe this person is a great person, so why is it that they are allowed to sit there and, and use that gut feeling when we're supposed to be in a fact finding mission. We're supposed to be looking at the facts and dishing out the truth. If that's the case, appearance should not be a part of it.

WA: Yeah, I agree but I think that...in reality, if you were sitting here before me with three nose earrings and hair down to the middle of your back and a scrappy beard, I would look at you differently than I'm looking at you right now.

GG: That's why I dressed up.

WA: And I might-

(unknown): (inaudible)

WA: You know, judges might, but I mean seriously, I think that is human nature and I think that you can probably eliminate, a good judge probably will look beyond that, I assume.

NG: I think so.

GG: I would like to assume, too, but I'm thinking that people, I try to envision this new system, if you will, if we're trying to look for a better way. And you've, you've suggested mediation, some sort of...

WA: And understand that, the mediation isn't to try to bring the two back together, mediation is to try and focus on the fact that there are children who are going to suffer as a consequence of this divorce and it's the burden, the primary burden of deciding what happens with those children is not on the court, it's on the two parents who are getting divorced. And if they can't figure out between the two of them a remedy that works for custody and a remedy that works for a financial settlement, then the court will. But I think then the question is how do you give the, the two parties the message that, that they can't stall their way to a better settlement, you know.

GG: There's, there's reasons that some corporations don't fight against another corporation. Because there's, there's uncertainty, there's this feeling of, we could lose more, you know. We could, it could be a bad thing to go, to go and fight this.

MW: That's a great analogy.

GG: Right? I mean you gotta give these people a feeling that it might not be the way you want it to and if it doesn't go the way you want it, it could be worse than what you want.

MW: My question to you, your statement that you just made, would you have made that statement five years ago?

GG: Oh yes. Yes.

NG: Why wouldn't it be?

GG: I probably wouldn't have matured to the point where I could articulate it as well, but I would have felt-

NG: He's grown up nicely.

MW: You watched him grow up?

GG: She's seen me grow up.

NG: I've seen him for five years.

GG: But, but underneath I would have felt that and I probably would have been trying to explain it.

NG: But your ex wouldn't have gone through mediation, right?

GG: She refused.

NG: Yeah.

GG: Refused. And yet, we ended up with exactly what I was suggesting in the first. Like just look at it, look at what would be fair.

(inaudible-talking at same time)

WA: So do you think that the reason you ended up-

MW: (inaudible) determine and also be a part of-

NG: There are no compelling reasons why he shouldn't be.

GG: Well, you know, like I pointed out earlier, you're right. I chose a path during the first years that was completely opposite than what I ended up doing after those years, after the divorce. Now I was, I was blessed enough to have a, an ability to change that path because most people would say, you chose to go off and work. Work, work, work. And she chose to stay home and take care of the kids so therefore she, we need to kind of maintain stability or, or what all the buzz words that go around that. But I looked at it as horse pucky, I set up this scenario based on the way it was. We were in an intact family. I had a great paying job, why not take advantage of the great paying job and bring in more money in a shorter amount of time than it would take for you to go out. I actually encouraged her to go out there and work the whole time but she didn't want to, you know, and so I was like, well, you know, you're not really hurting us by not going out and working because you probably wouldn't make that much money. So I didn't, I wasn't bothered by it, but I was able to change my path afterwards and say I want to now, instead of doing this, I want to look at this new scenario of the child now being split amongst homes and I want to change...what I do. Instead of going out and working sixty, seventy hours a week.

NG: Discuss, just so everybody here knows, what's your physical set-up in terms of your daughter goes back and forth between you and your wife, your ex-wife, how many days a week?

GG: Once. Well, we switch once. So, twice.

JL: How many days?

NG: How many days? I'm a little bit (inaudible)

GG: It, uh...

NG: You have your daughter-

MW: How many days do you have her consecutively?

GG: Yes. What, what I'm, the way it works is we'll start with Sunday night, ok. I pick her up Sunday night at six o'clock.

MW: Yup.

GG: Drop her off Wednesday morning at nine o'clock.

NG: Where does she go to school?

GG: (school name omitted)

NG: Ok. So she goes to school and where does she go when she's not with you? Is she still in the (School name omitted) school district? For the other three days, two days?

GG: Yes.

NG: So that means your ex-wife must live here?

GG: Yeah, well the district is a large district, so-

NG: Right, that's right, you can live in, right, but you're in a situation where her school is stable.

GG: Yup.

NG: Ok. You put her interests first, obviously, your daughter?

GG: Yup.

NG: Um, you, you focus on that and it is a compelling enough argument.

GG: Well, I feel like now I want to tell you the schedule because it works so well.

NG: It does. It does.

GG: So I pick her up Sunday night.

NG: Yup.

GG: And I drop her off Wednesday morning. Now during the summer it's Wednesday morning at nine, otherwise I just bring her to school and I will bring her home from school until and do that until Wednesday morning. Then after, see it's in sequence, after Sunday night I will pick her up Friday night. So this Friday I'll get to pick her up at six o'clock or after school, whichever, if there's school or not. So she's only had her from Wednesday until Friday for this, see this one week. I will get her until Wednesday morning again. I always drop her off Wednesday morning. The next week it will be Sunday morning, not Sunday night, it will be Sunday morning at nine o'clock. And then I'll drop her off at nine o'clock Wednesday and the following week it will be Saturday morning and it will go back to Sunday night.

MW: What happens at Christmas and Thanksgiving, it stays on that same day?

GG: It's, oh no, it's all written down in the decree because the, that, that schedule doesn't always take into consideration that Christmas may always be on a Thursday, you know, it doesn't give you that. So in the court order it says even years you'll get this, and odd years you'll get this. It's all broken down.

JP: (inaudible) just a couple quick things I want to say here. Um, with the schedule, my schedule, my schedule is all over the place. It really is literally all over the place. But I'm home about half the time. I have no social life cause I've got him every day. She has a social life because she leaves him with Grammy and other people sometimes, ok, but you guys think that it is, (inaudible) I was forty, do you think it's fair that she, just for child support it's two thousand dollars a month?

NG: (inaudible) make the decisions.

JP: And that money, and you know, it's like well if you make more, the bottom line is that I was making eighteen thousand dollars a year before I went to med school. I still owe a ton of money on this. They look at, they look at what you make, not what you actually take home. And just two grand that isn't spent (inaudible). I mean that's not, that's not money going to the college fund. There isn't.

NG: There is no more college funds.

(inaudible-all talking at same time)

JP: We're not talking about legal. I'm not talking about court ordered. I'm talking about parent ordered. I'm talking about if I didn't have to give her two grand a month and him,

he would be dressed better, he would have more stuff, he would have a college fund, ok. And I would not have to work an extra couple of shifts and be home with him more.

WA: I guess, I guess if there was a way where you and your ex could work that out and it sounds like it's not likely in your situation.

JP: Not, not since this, she's gotten used to getting this now.

WA: Right.

JP: It's, at first she would have been happy with twenty five hundred a month-

WA: I guess my, the thing I keep coming back to is if there can be a non-court ordered settlement between the two parents of a child before you go to court so the court just basically ratifies what you've agreed to.

JP: We tried that.

NG: And she will not?

JP: We tried that but by then there was this, there was this influence about if you agree to this now you're gonna screw yourself because your lawyer will get you a whole lot more. He'll get you the house, he'll get you the condo, he'll get you the boat, he'll get you the good car and he'll get you a lot more money. Guess what, he got her the house, the condo, the boat, the good car, a lot more money and my friend, my ex-friend, and now her ex-boyfriend.

WA: And I'm, I'm just looking for an alternative to what's, the current system is and I haven't found anybody who can articulate one that, that... don't want to defend the current system-

JP: Articulating it...it's not an easy answer. Don't make it so easy. Don't make it, make it so that it is presumed shared custody, don't make it so that like you said, there's a perception that when you go in get a divorce because you're going to make out, great. Don't do that because it happens. I mean this isn't rocket science, guys. The people in my community, this has happened one after the other and I don't think it would be happening if my ex saw the first girl just say you know, what I'm leaving my husband and now I've got to work more, I've got to take care of the kids. He's got the house because he didn't break up the family. He didn't leave, he didn't say bye, he was still working every day so he should have the house, he should not have to work extra, he should have the kids. I'm the one that left, I'm the one that said to go. She left, he got kicked out, she gets all the money. My ex left, my ex cheated, divorced me, I get kicked out and she gets all the money. The next, same thing. So it's, it's, I mean where is, would you want that to happen to your son?

NG: I don't have a son. I have two daughters.

JP: What if you had a son, would you want that, would you want that to happen to your daughters? Where the husband cheated on the daughter and the daughter ended up losing the house and losing the kids and having to work more. Would that be fair?

NG: You know, I'm not sure it's about fair. I think what you're looking for someone to do in the court system is to value the things that you value which are that intact marriage. I value intact marriages, but that isn't always the reality and I just don't see how the court system can reward, in the system we are now.

JP: How can you defend, how can you defend someone who breaks up a marriage, and, I mean takes an intact family, breaks up that intact family. It's, talk about fair, how about going to the other side? It's grossly unfair to reward that person with a life of leisure, a bunch of money with a child, with the house, and take the person that was doing the

socially correct thing of going to work every day, taking care of the family, making money, you know, not going out and being a drunk or a drug addict and loving the family and then say, you know, tough.

WA: But if you're, I think what I'm hearing from you is that number one, you want the system to punish your ex because she broke up the family.

JP: No, no, no, no, no, no, no, no, no, no, no wrong. If I said that-

WA: Well, correct me.

JP: If I said that, if I said that, no, I don't want the system to punish her. What I don't want them to do is to give them a free ride. It's like saying if you quit your job, you worked with a corporation for fifteen years. You quit your job, well you're gonna get full pay or you're gonna get three quarters pay, actually gonna get more because, you know, if you split it down the middle you're gonna do fine. You're gonna get your same parking privileges and you're going to get a place to stay, the company gave you the house and the car, you're gonna keep all that. You quit your job. Now I'm not looking at punish her. I don't hate her, you know, I mean, I want her to have a good life.

WA: Right-

JP: What incenses me is that some judge can look at me and say you're getting two days a week.

WA: I understand why you're upset about that. I guess what I don't understand is why you don't, why you don't think a process that would require the two parties to sit down as a matter of law, as process before you go to the judge-

JP: If it has teeth, it would be great because that-

WA: Well what's the teeth-

JP: - is a wonderful thing.

WA: Well what's the teeth that are missing then?

JP: I'll tell you what I said earlier, and what he said about if you go in there with this uncertainty, if you say, you know, I'm really gonna make this mediation, I've really got to give this mediation thing a good shot because if I don't, ok, if I don't, I could go in there and I, I run the chance of really....having a not a very good lifestyle.

WA: But then you're willing, so, if you, if you don't, is, say one party chooses not to be.....

NG: Cooperative.

WA: Cooperative, thank you.

JP: Mm hmm.

WA: And the judge basically takes that into account and says, listen you had your chance to cooperatively agree to this, you didn't so I'm going to order this-

JP: How is the judge going to take that into account? They're gonna have to take, is it just taking the word of the person that was the-

JL: Mediator.

JP: -mediator?

WA: Yeah.

JP: Ok, now is that going to be better than the guardian ad litem system I hope? I didn't have to deal with that, luckily. I've heard stories.

WA: The guardian ad litem's?

NG: They're very similar.

JP: Well, my problem-

NG: The legislature created them very similarly.

JP: My bottom line is this, presume shared custody unless you go in and you say, this woman is a drunk and a drug addict and the father should have, you know, primary custody or the father is a drunk and a drug addict and the mother should have. I would love to see women here in the same situation, because it's not a gender thing. It is not a gender thing. It's a fairness thing.

NG: How would you do joint physical custody, fifty-fifty in your job?

JP: I'm doing it now.

NG: No, you're not, you're doing two days.

JP: No, no, no, no. I was awarded two days, I'm home half the time and I have him every day I'm home. I 'm home three days one week and four days the next.

NG: Ok.

JP: And that happens every day that I'm home but I don't have a social life, she does, because when I'm, when I'm home I have him. I don't pawn him off to somebody else, but, maybe once or twice a month I go out and that's it. I was awarded two days a week but she, she knows that, you know, he wouldn't take it, he wouldn't stand for it, for one. I wouldn't stand for it and she doesn't want it that way because it gives her more free time. I was awarded that two days a week, though, but I have him half the time.

WA: Could you have agreed to the settlement that you've made voluntarily with your ex-

JP: As far as the time share?

WA: Yeah.

JP: Oh yeah that wasn't, that wasn't the problem. It wasn't that, it was she even said he's going to a counselor, up in Conway. She even said at a joint meeting with him, she said in front of the counselor to me, you know, (child's name omitted)'s lucky to have you as a dad because some of my girlfriend's, they're husbands are now off doing the guy thing and you're there for him all the time and I'll say that you're a great dad for him, you're always there. It wasn't that, it was this, it was the money.

MW: Have you ever tried to talk to her about that?

JP: About the money thing?

MW: Yeah.

JP: Oh hell, yeah-

MW: Without being-

JP: In the very beginning, yeah.

MW: Well, sitting where I'm sitting, let's look at this, if you, if the court ordered two days and you're getting the three and a half and the three and a half, well you seem to be able to mediate that out.

JP: Mm hmm.

MW: So, have you ever looked at and tried to mediate some change or bargaining-

NG: Yes.

MW: -with her?

JP: Yeah, no, exactly what you said earlier, the court said it's this, so therefore it must be, and when you said that-

NG: But not for the custody, you've got (child's name omitted) more, so the court says the two days that you've got, it's actually three and a half to four, then the validity of the court order shouldn't restrict the ability to manage the money.

GG: But there's a difference. Hold on, now. I really think that there's, there's a maybe a lack of understanding in that because I have a number of people who call me up and my number is floating out there as somebody to call so people call me and ask me questions about court. And some of them will say, I've got the child half the time, but the court only gave me this amount of time and they say, I don't know what to do because I think that oftentimes they'll say, I know that she's off doing this and I want to go back to court and tell them so that I can, so that I can almost ratify this deal, this arrangement, if you will, that they've got. And they said but I'm afraid, because if I lose, she's not going to let me have that time anymore, because she's going to see it as working against me.

MW: Right, well that's what I'm saying if you can mediate time.

JP: You can't-

MW: I'd work hard at mediating money.

JP: -you can't mediate the money because right now my ex wife, she's beautiful, but you, you know (name omitted), she's a beautiful girl, she's in great shape, she looks ten years younger she's dating a guy eleven years younger, she doesn't have to work. She goes skiing, kayaking, goes out all the time, parties. I'm supporting the house, her mother, I made an apartment for her mother in my house, you know, big mistake. So, what's the point, she's getting a good amount of money. She's got a six hundred thousand dollar life insurance policy on me. Um....what's the incentive? She knows that at the end of three years she's going to re-up this.

WA: Right and stepping back-

MW: Stepping back where I am, I still would be attempting to mediate this. I mean you're saying-

JP: (inaudible)

MW: Yeah, I would. I would

JP: I was told by my attorney, maybe my attorney just, and I've heard people say this, maybe I got it from somebody else, but that's it, once that final decree comes off, you can't really change anything. You know, you can't change anything.

NG: But you've changed it

MW: But you've changed it already. You've changed the days, so I mean, if you, you can bargain that.

GG: If you look at it in your own life and you say, but if you, I can relate. I can kind of feel it and it's kind of like saying all right, you know, now, now I've got the child half the time, you know, how about, how about you take a pay cut in so many words. And really, the rest of the words don't come out but the word, I'm gonna get less and the reality of my lifestyle will be cut or I'm going to have to go and get a job to make up that difference or I'm going to work harder now to be able to have the same income? It's not necessarily, it's not that it doesn't it's not fair, or that it doesn't make sense. I mean you work in government, there's some people that if it's easier to take this route, they're gonna take it. I mean, you're in social services-

(Inaudible-all talking at same time)

WA: I guess what I'm saying-

MW: (inaudible) aggravate me, trust me.

GG: Right.

WA: I guess what I'm saying, and no disrespect to either of you, it may not be possible to change the situations you're in, but-

MW: I think it's possible to change his.

WA: - it may be possible to change the situation for every new parent or set of parents that go through a divorce from the beginning. I, I mean I hear what you're saying.

NG: And I have to say-

MW: I think yours is changeable.

NG: My experience is that-

JP: You're a better lawyer?

NG: Yeah. I just think the whole issue of alimony is, it has not been anymore, it has not been for more than ten years.

MW: She's talking like a lawyer.

NG: Is, is that, it is not a lifetime guarantee.

MW: Oh absolutely not.

NG: Alimony in your circumstances of your wife is used as a transitional moment to take her from where she was at home to a new lifestyle.

JP: The law states at the end of three years-

NG: It's up for review. You have every right and obligation to, to lay out for them-

JP: Why should I believe it's going to be different?

NG: Because it should be different. If you don't raise the issue-

JP: It shouldn't have been like this in the first place.

NG: Yes it should have been. I mean, but the way the laws and the case law work, it is not unusual for an at-home mother who was at home all those years, whether by choice or by, by lucky chance of you, um, that she would have gotten alimony. It's not an unusual thing you have.

JP: I didn't mind giving her alimony, it was the amount that blew me away.

NG: What I'm going to say to you is just the amount-

JP: (inaudible) my son-

NG: - of it mediated that.

JP: Not legally. Just between me and her and like Gary said that can change.

MW: But I'm back to the fact that I totally believe that you can mediate the money. I totally believe that.

JP: Ok, now let's say I get an attorney, I say look, Your Honor-

MW: Forget the attorney and get a mediator.

JP: What do I do, do I go to a court and say-

MW: Did you ever try talking to her by yourself?

JP: About the money? About the money thing?

MW: Yes.

JP: Yes, I have.

JL: She probably wouldn't like how (inaudible) you can go, you can go to mediation with two lawyers. There are people who will mediate-

NG: Well, there are some mediators that will, not all but some.

JL: You can find them if you go hunt around. You both have a lawyer, so you feel comfortable. You go and you go to this mediator together and your lawyers can talk to you, you can talk to each other then get the mediation done.

(Inaudible-all talking at same time)

MW: I'd keep the lawyers out of it. I'd keep the lawyers out of it.

JP: Why would she, what's going to happen is if I try and do it and say look, for the last year and a half, almost two years now um, when I first got this house, my living room furniture was a Tupperware tub. Anyway, why should she, why should she say ok, I'll agree because you've got him half the time that, you know, we'll come down on the money or whatever. Why? She'll just say no, I'll just say that you didn't have him at the time, can you prove it?

GG: I think that-

MW: I think the bitterness, I think-

NG: Why can't you?

MW: The bitterness needs to go, the bitterness needs to go and I would start by talking to her. You haven't got a thing to lose. You have everything to gain.

JP: Every time I talk with her about this, this is what I get, you know what, I really, we can't talk about this, we can't talk about this.

MW: WE need to talk about this, we have a child in this relationship.

JP: I know, I know, I try that and what happens is it's a stone wall because she knows-

MW: Come practice with me, I'll get you down (inaudible-laughs)
(laughter)

GG: This is a good example, though. This is a good, because as an outsider looking at it, Jim has a perception and whether it's real or not, he has a perception that she is going to do this if I do this. And you guys see from a perception that it may not be that way but it's difficult if you're on one side of this, you feel like they're battle lines.

MW: I totally agree.

GG: You know, it's really almost impossible.

MW: That's all the more, all the more reinforcement for the mediator.

NG: The other thing I would argue when you go back at the end of your what's probably two years now, you know, you, ask instead of giving her all that money, put aside that money for (child's name omitted)'s education.

MW: There's all kinds of creative ways.

NG: There's all kinds of creative ways to keep it out of her hands because she is not doing anything to, most of the alimony circumstances are with women of her age, they're taking somebody who has no skills, the hands hurt-

JP: (inaudible) she has plenty of skills.

GG: Yeah, but that's not an appropriate way for that money to be spent.

NG: To train them to get them into a new career so they can work.

GG: For her.

NG: For her and at the end of three years, I know very few people who at the end of three years are still on alimony, let me tell you.

JP: She did not support me through medical school, by the way, I supported her through medical school. It's not like, you know, she worked her butt off and I went and studied. Uh huh. I provided the money for food, cars and everything else. She made seventeen grand in seventeen years. If a judge had taken the time to really learn the circumstances, know the circumstances, the nurses at work-

NG: It doesn't.

JP: - they hate her because they see me every day go up and hug old ladies and help old men and tickle kids and tell them they're not gonna get needles when they're bleeding and they're scared and they know the kind of a guy I am where my heart is and how hard

I work and they heard a couple years ago how I would basically be in tears on the phone with her because I was at work and she was out hanging out with, you know what, I'm sorry. I shouldn't be.

(unknown): Your son's here in public.

JP: Gary, see you bud. Thanks.

GG: Yup, bye. Have a good night.

WA: We should call it a night anyway. But thank you both for coming and I mean I, this has been quite unlike anything we have done at our prior listening sessions and I think it's really, the dialogue part of it really does help a lot.

NG: You know, Gary, one of the things that I have to say over and over again, because I'm not divorced, um...the issue of timing as to when people are receptive to various things in stages is so incredibly part of this because as much as we would like to keep you from going to court with a divorce petition in your hand to file, so you can get to mediation, so that you can talk about things before you're poisoned by the adversarial system, or before you're hooked up with a lawyer. I don't know whether that's possible because you've got emotion and you've got hurt and you've got anger and so how you design that is, is tough. Because that's (inaudible) looking.

JP: The toy industry isn't helping either, have you guys heard about the new divorced Barbie doll?

NG: No.

JP: She comes with all of Ken's stuff.

NG: Ken's back after two years, by the way he's coming back.

(inaudible)

JL: I would like, I would like to just say one thing about like joint custody and stuff. I know like some women that I've talked to, like my sister, different women who do have children and husbands and stuff and if you say anything, if you get to talk about divorce with them or anything, a lot of times it's like assumed, that well once we're divorced I'm going to have the kids, he's going to work and it's kind of assumed to be that way. Um, and whenever you say, well what if you don't get the kids, what if he does, it's always like, well, you know what are we going to do, I can't work. It seems to be like that is the mentality but if you were to go into court knowing and if it was common for people to realize that the children were going to be joint, there was going to be joint custody and joint parenting and everything was better-

MW: Equally shared environment-

JL: - yeah, it would never be of course I'm going to get the kids and there would, there wouldn't be any thought of it at all, ok, if this is the way it is, then let's figure out how to divide the time, you know, and I think that's a huge key to minimizing the conflict that you would get.

GG: Yeah, the joint part, I don't think has to be always joint. I mean joint is kind of vague.

MW: I like the word shared better.

GG: I don't think it has to be equal.

JL: The joint custody, if each parent had the right to the child, legally and the school system.

NG: They do now.

JL: Yeah.

NG: They do now. It's just not the equal piece.

JL: Right, but the time can be shared like let's say she-

NG: Oh absolutely.

JL: - works on this day, I'll take him another day.

NG: Absolutely.

MW: But that's a common intelligence and all of the anger and all of the rest of that has.

NG: That's where we are now in terms of the state of the law-

GG: But see now, I disagree. I really feel as though that's why I think this HB-529 is so important.

NG: That's fifty-fifty, Gary.

GG: No, I don't think, it doesn't say in there fifty-fifty.

NG: Well that's what everybody's talking about it being.

GG: But we know that the court is able to define what it actually says and it doesn't say fifty-fifty.

JL: It just says that they'll be considered equal when they go into court, it doesn't say anything-

NG: Well, equal's fifty-fifty.

GG: But, but-

WA: That's going in, it doesn't I think this notion that equal, I think that you don't want to get trapped by equal means three and a half days of custody every week.

GG: No, but I think there's ways of working it. I think that you need, you need to start out somewhere and if you don't start with something because it, the best part I like about it is that it gives a starting place and it leaves room for them to go one way or another.

WA: Right.

GG: Because it doesn't lock a judge in. I mean it's very clear in there that the judge can, can go and deviate from that to either direction and they just, they can do it if they, if they feel it's appropriate, they write out this is appropriate and I'm gonna deviate.

NG: (inaudible) satisfied with, and I know you wouldn't, the intent of that legislation is not for the judge to be able to say, I think this is appropriate, so I deviate. That isn't what you are looking for. I know it isn't.

GG: I want them to have a starting point. I really do.

NG: But you also want them to have a better reason than I think it's appropriate.

GG: Well, you know there are some, examples that are very appropriate, there are some people, I mean maybe back when I was going through my divorce, I-

MW: And how long have you been divorced?

GG: Five years.

MW: Five years.

GG: Maybe when, maybe when I wanted to continue to work seventy hours a week, maybe I liked it. Maybe I just didn't care about taking on the responsibility. Well, you know what, I wouldn't be able to then parent half the time.

MW: Right. But there's a lot, there's a lot of that out there.

GG: But why don't we start and say, you know what-

NG: Do we have to litigate all those?

GG: No, no, no, no, no, why don't you start, and you say, look, you two are now in front of me, this is the way it's going to be, you're going to have a divorce, you're not going to be under the same scenario that you were before. If I was to lay out this equal, would you

be able to handle that. Would you be able to handle that? Would you be able to find a way to make it work? Would you be able, would you be willing to alter your schedule from what you've maintained to a new way? I mean, is there a chance? Would you do it?

WA: It totally depends on the circumstances.

GG: It does.

WA: Yeah. I mean I-

GG: But at least you're given that chance to start there.

WA: See I think, I think-

MW: But not everybody has your attitude.

WA: Yeah, I think that's true, but I, I think the key thing here is that you want to address those issues before you go to court. You want to create a framework where at least there's an effort to try and address all of those issues before you go to court.

GG: Yeah.

WA: Because if you can't, and I agree that not everybody is going to be able to do this, but if thirty percent of the people avoid going before a judge to have the judge decide how these custody and alimony issues are going to be ordered and thirty percent can solve those problems, then those families, yeah the parents are going to be divorced, but there's going to be a lot less tension over time than there would otherwise be. And even thirty percent of the cases is better than, you know, nothing.

GG: Well, you look at the divorce, if, all right if we just take a random sampling and pretend that it's, all right, I would suggest that most divorces are figured outside of court. I would say right now, I don't know what the number is because if I pull up the statistics you'll say that's not accurate-

NG: (inaudible) ninety percent number that ninety percent of the, if there really are only ten percent of the cases are as litigious as Jim's.

GG: Ok, but mine was one of those.

NG: True.

GG: I mean it was, it was, I got stacks, the court has a good size file on me, you know, and I'm one of those and I look at it and say it's possible amongst all of that heat to come up with a good situation, a good scenario that eliminates all the stress-

MW: (inaudible) the two of you worked at that-

GG: No.

JL: I think he was adamant to stick by what he wanted and she stuck by what she wanted and the judge looked at it and said, well it's not like he's asking for full custody, he's asking for half. Well, that sounds fair. I think she can give up her part and I think that's probably how the court saw it.

GG: I told the court, I said I would love to have full custody, I said, don't get me wrong. I said, but do I think it's fair? Absolutely not. I said I don't believe our daughter deserves that. But I think that, if you gosh (inaudible) just threw it out.

NG: You know what I can tell you, you were-

WA: Can I interrupt just a second?

NG: Yup.

WA: We're going to call the hearing to a close you can keep talking but I want to get Julie on the road cause she's got to do this tomorrow night in Keene again.

NG: (Inaudible) Keene tomorrow night.

END OF TAMWORTH LISTENING SESSION

