

The Absurd Case
By Benjamin Brown

Occasionally, a case will cross my desk that just makes me want to laugh at its absurdity. Unfortunately, a filed petition always has to be taken seriously; otherwise, your client could lose without a fight. One cold day in December, Mrs. Marie Jacobson came to my office. Her husband had filed for divorce against Mrs. Jacobson, based on allegations of adultery. My client did not deny it. The parties had been living separately for more than a year and a half, but she said she never cheated on him before they separated.

The absurd part is that Mrs. Jacobson's husband, Leny, had also asked for spousal support and that his handgun be returned to him. I called Leny's attorney and informed him that the separation was caused by his client's domestic violence against Mrs. Jacobson and that a protective order had been issued against him for it. Mrs. Jacobson had gone straight to the police the day he hit her and filed a report. Leny was then arrested and jailed for domestic abuse. Leny had the audacity to ask that spousal support be paid to him by his victim! In Louisiana, one cannot get an award of spousal support if he is responsible for the separation. Leny had also asked for his firearm to be returned to him, despite the fact that he was a convicted felon, who is prohibited by law from owning a gun. After I told all of that to the opposing council, his response was "Ok, I will be withdrawing from this case immediately."

I processed the case after that and set it for trial, but Leny's attorney never filed to withdraw. He apparently couldn't get in contact with his client in order to do so. On the day of court, he showed up, but his client did not. That created a problem because we wanted to get the divorce concluded. The Judge pointed out that it was impossible without the Petitioner actually being present. Luckily, however, I had taken the extra step to file a "reconventional demand" in response to Leny's allegations. In my demand, I asked that the divorce be granted based on the parties having lived separately for 180 days, instead of the adultery allegations. After I brought that to the judge's attention, he allowed us to proceed and finalize the divorce with testimony from my client and her witness. Mrs. Jacobson left the court that day, divorced from her abuser.

Please note that names have been changed to protect the identity of clients.