Successful Management of Matrimonial Cases - Spellman

Walter Probert

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Book Reviews


This is a volume well steeped in the New York law of marital discord. But then, so is the author. There are chapters on pleadings, jury trial and enforcement procedures, among others, in the New York style. In fact there are even twenty-seven pages on the “investigation of misconduct.” This means “how to establish adultery”—of much more interest to Mr. Spellman’s brothers at the bar than to divorce lawyers from most other states.

Despite its local color, the book has a universal flavor making it worthy of any library. As the author indicates, there is much more to a divorce case than a knowledge of the local practices and rules. There is such a thing as human nature. If he would be of benefit, real benefit to anyone but himself, the lawyer must know something of psychology, home economics, child care, marriage counseling and many, many other things as well as everything about the law. The author has had a number of years experience in these matters, thus he is a man with a practical viewpoint. This is why he advises the reader to become aware of the social context of marital problems. Of course a lawyer should not try to be a psychiatrist or marriage counselor, yet he should know when one is needed. Nor does it mean that a lawyer should either effect a reconciliation every time or refuse the case. But he should do what he can to remove the emotional cobwebs from his client’s mind. Since the lawyer is usually one of the last stays in the marital rift—perhaps the only person the client has confided in—it would be anti-social for him not to take full advantage of his position. Nor is it enough merely to say: “I suppose reconciliation is out of the picture.” Of course it is—or seems to be—else the client would not be seeking legal advice.

There is more: How you should conduct your conferences with your client, almost exactly what you should say; what to include in a separation agreement; even what fees to charge. With so much detail the book is not exactly bedtime reading, except for the insomniac. Yet it is more interesting than most law texts (this is not a text). Perhaps it is as much a book to be pulled down from the shelf when needed as it is a book of general orientation.

In any event, here is a long step forward in the humanitarian approach to one of our greatest social problems. Sociologists and other non-lawyers
who work with domestic affairs have long been damning the legal profession for its sterile attitude in this area. Here is some proof that perhaps we are not as bad as they say.

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