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Dirty Laundry Aired: The Fight Over Revealing Divorce Details

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Disclosures during divorce proceedings often elicit disgust over the revelation of intimate details—or delight over the revelation of intimate details.

A string of recent divorce cases involving high-profile figures has laid bare that divide, in sometimes excruciatingly personal terms. Defenders of disclosure say revelations that come out of divorce cases can provide insight into the character and habits of elected officials and others who are ac-

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countable to the public, such as executives of public companies.

Despite the potential for tawdriness and spousal retaliation, there are often compelling reasons for openness, proponents of disclosure say.

"The status should be that the records are open," said David Hudson, a First Amendment scholar at the nonpartisan First Amendment Center. "The burden of proof should be placed on those who are trying to deny the disclosure of information."

Advocates for privacy contend that revealing the back-and-forth of divorce battles feeds the public's thirst for gossip but little else, at the risk of damaging reputations.

In Nevada, divorce papers recently unsealed by a Reno judge led to revelations that Gov. Jim Gibbons has been accused in divorce filings of carrying on two affairs, one with a former Playboy model and another with a state employee while he was in office.

An attorney for the governor says he has denied that he had the affairs. Nonetheless, advocates for good government say voters should know about the allegations because Mr. Gibbons intends to run for a second term.

Divorce hearings are largely presumed to be open to the public. Case records, however, are often considered private. But the laws vary widely from state to state. In all states, courts heavily weigh the interests of children when determining whether to seal any part of a divorce case. And in some states, including California, parties are allowed to redact infor-



A judge ruled that details of Nevada Gov. Jim Gibbons's divorce case could be made public.

mation if they show a compelling reason, such as financial information that could allow identity theft.

But privacy advocates say most types of personal information, especially details that could hurt any children caught up in a divorce, should stay out of the public eye.

"While I understand the First Amendment and that the public has the right to know some things, [often] the public's interest in these cases is more prurient than anything else," said Gary Nickelson, president of the American Academy of Matrimonial Lawyers. "They just want to know all the dirt so they can talk about it."

A high-profile split in Connecticut involving the head of a large public company illustrates how open proceedings can serve shareholder interests, proponents of disclosure say. The wife of United Technologies Corp. Chairman George David says she deserved more than the roughly \$43 million set out in the couple's post-nuptial agreement, in part, because she essentially helped run the company. Lawyers for Marie Douglas-David, a former investment banker, hope to highlight financial conversations the couple had as proof.

To that end, an attorney for Ms. Douglas-David suggested at a recent hearing that the couple discussed a merger of United Technologies with 3M Co. The proposed deal, which never happened, hadn't been disclosed prior to the divorce proceedings.

United Technologies said

the company doesn't comment on rumor or speculation; 3M declined to comment on the matter. Mr. David denies the conversation occurred, according to his attorney.

Ms. Douglas-David's attorneys say she has more merger information that she will reveal in open court—a tactic that could compel her husband to settle to avoid rattling shareholders. The next hearing in the case is scheduled for July.

Anne C. Dranginis, an attorney for Mr. David, called any financial talks her client had with his wife "incidental conversations" that had no impact on the company. Robert Stephan Cohen, an attorney for Ms. Douglas-David, counters: "The way to get to the unfiltered truth is through a public trial."

Judges and legislatures at times see reasons why divorce information is in the public interest. In 2004, when Barack Obama was running against Jack Ryan for a U.S. Senate seat in Illinois, a lawsuit from the Chicago Tribune unsealed Mr. Ryan's divorce records in a custody battle that accused him of taking his wife to sex clubs and of trying to persuade her to perform sex acts for strangers. Mr. Ryan couldn't be reached for comment Wednesday. He issued denials during the 2004 campaign, but his poll numbers plummeted and he dropped out of the race.

Gov. Gibbons's divorce case is playing out in Nevada, where divorce records are for the most part presumed private. But in a hearing on the case, a district judge ruled that a law allowing divorcing parties to close hearings and seal case records is unconstitutional. Since then, allegations in the divorce have been reported in local and national media. Says Gary Silverman, a lawyer for Gov. Gibbons: "Only somebody who is really...sick would care about what's going on in somebody else's divorce."

Cal Dunlap, a lawyer for the governor's wife, Dawn Gibbons, argues that divorces offer the public the opportunity to know what a public official is really like. "You find out what's really going on with people and their character," Mr. Dunlap said.