

Divorce Picnic

By Michael G. COCHRANE

“Will there be a picnic included in the cost of this divorce?”

I pondered her question for a moment. She was an older woman with a rather crusty voice; perhaps I had misunderstood a word. What sounds like “picnic”? Picket? Pickle? Pick off? Pick up? I sat there behind my desk, substituting each word into her question. “Will there be a pickle included in the cost of this divorce?” No. Picnic seemed to make much more sense than pickle. But not much more.

She waited patiently for my answer.

I hadn’t been a lawyer for so many years that I knew all the answers to all the difficult questions, so I told her flat out. “No. A picnic is not included in the cost of this divorce.” Maybe that would be the end of it.

It wasn’t.

She seemed genuinely put out by my answer. “Well, Terry included a picnic in the cost of my first divorce.”

I tried not to sound too apologetic as I explained what I was confident was the firm’s policy on picnics. “I’m very sorry but neither I, nor any member of this law firm, have ever offered a picnic as a part of a divorce fee. To be honest, I’ve never offered clients much more than a coffee.” I laughed nervously.

She stared at me.

It seemed like a good time to change the subject to something more positive, so I took the initiative. “I will, however, do this divorce from...”

“Arnold.” She muttered his name through clenched teeth.

“Yes, your divorce from Arnold, and as I have indicated it seems to be a relatively straightforward case. Uncontested, in fact, and I would be happy to do it for you. Now if I could just get some of the particulars...”

“Well, Terry included a picnic when he did my first divorce.” She said it somewhat sadly now.

“Yes, you mentioned that...” I began to wonder about the desirability of taking on this divorce case. Sure, things had been slow lately, but even reorganizing the firm’s library was starting to look good.

We looked at each other in a bit of a Mexican standoff. I was damned if I was going to throw in a picnic. The silence became uncomfortable, yet somehow I knew I would regret breaking it. I jumped into the mystery of the divorce picnic with both feet. “Who is Terry and why on earth would he include a picnic with your divorce?”

“It wasn’t just me.” The tone of her voice suggested that I had not yet completely evolved as a human, let alone as a lawyer. “Terry gave everyone on the bus a picnic with their divorce.”

Wait a minute.

“Everyone on the bus? What bus?” Why was I asking these questions? Why? Why? Why? I sensed that no good could come of it. She continued to eye me suspiciously.

“Are you sure you do this kind of work? It doesn’t sound like it.”

Oh great! I don’t offer free picnics with divorces and suddenly my walls are covered with mail-order law degrees. Why did this little woman suddenly have me on the defensive? Was I somehow totally unaware of contraband in picnics? What next? A brunch with every incorporation? Movie passes with every will?

“Look...” I leaned forward and met her scowling eyes directly. “I have been practicing law in Ottawa for 10 years and I have yet to see, or even hear of, a divorce that includes picnics for busloads of people and...” I gave her a glaring look usually reserved for difficult witnesses. “I have never heard of this Terry character. Is he even a lawyer?” I had done it again. I had asked another question. Now I would have to listen to the answer and from the way she stiffened in her chair I knew she had a good one.

“You’ve never heard of Terry McGough, QC?” She was aghast. “You don’t do this kind of work at all.” With this pronouncement of fact she began to gather up her things to set out, no doubt, in search of a lawyer who did include picnics with divorces.

I don’t know why but before she could finish packing her large purse, I asked her to wait for just a minute. Maybe it was because I did know Terry McGough, QC. Everyone knew him. He was one of the province’s most senior members of the bar and had practiced law longer than most lawyers had lived. A tiny speck of a man, he practiced his own special kind of alchemy. He turned his white hair and silver tongue into gold. His law career, shall we say, had been a prosperous one.

Terry McGough, QC, it could be safely said, knew every judge and possibly every last court clerk in the entire province of Ontario on a first-name basis. But surely this honourable gentleman was not offering free picnics to get divorce work. What on earth could this woman be talking about?

The office's intercom buzzed and my secretary's voice advised us both that my next client was waiting. I turned to this little woman with the strange story. She smiled and seemed to know we were not yet finished. "Hold my calls and tell the client I will be with her shortly. Something has come up." There was no turning back, so I plunged in. "When did you go on this divorce picnic?"

"When I got my first divorce, obviously." She reached across my desk and plucked her divorce decree from the file. As if recalling some fond past experience, she read it out.

"June 15, 1980 – L'Original, Ontario. How could I forget that day? I finally got rid of that deadbeat..."

"L'Original, Ontario?" I winced as I recognized the name of a very small town about an hour from Ottawa. My client continued her dreamy remembrance aloud.

"We had our picnic on a beautiful afternoon near the South Nation River. It was a lovely lunch. It was so calm, so beautiful. I thought it was all going to be a new beginning for me." She was suddenly sullen.

I was curious but that didn't mean I wasn't still suspicious, so I decided to probe her story a little. "You mentioned that there were several of you on this picnic." She snapped to attention.

"Not 'several' – there were about 40 of us. A yellow school bus. Yes, 40 of us, not counting the driver, or Terry, of course."

"Of course," I added a little too sarcastically. I was having serious doubts about this yarn. I mean, after all, free picnics for 40 people as part of a divorce? Give me a break. I began to think I may have a good mental incompetency staring me in the face. Suddenly she stood up.

"You don't believe me, do you? Well, I'm telling you, 40 people went to L'Original and 20 of us came back with divorces. So there."

I couldn't resist. An obvious crack had emerged in her story. "Oh, I see. Only 20 got divorces. What about the other 20? Don't try and tell me that Terry McGough lost 20 divorce cases in one day." I had her now. She eyed me up and down. Formulating some elaborate lie, I thought. Her teeth were clenched again as she slowly spoke.

"Only 20 people *wanted* divorces. The others were, what I believe you lawyers call, corroborating witnesses. You are a lawyer, aren't you?"

My face burned, but not with anger. It was embarrassment. She had every right to be sarcastic with me, because she was absolutely correct. In 1980 an uncontested divorce still required a court appearance by the divorce petitioner and a corroborating witness. The witness supposedly vouched for the petitioner's version of events. More importantly, this little woman's otherwise implausible story suddenly had an unmistakable ring of authenticity. But why? How? "Why L'Original?" I asked. "You've always lived in Ottawa, haven't you?"

"How the hell should I know?" She said the words softly but her meaning was unmistakable. "Terry started the divorce in Ottawa, where I lived. About six months later, he called and asked me if I would like my divorce a little sooner."

"Ottawa's list of divorces was all backed up, he said. Well, you can guess what I said. I told him to do whatever it takes. So he said it would mean a short bus trip with some similarly-minded people *and my corroborating witness*." She laid heavy emphasis on the last few words. I believe it was for my benefit. She continued, "Terry also said that as a little bonus, and weather permitting, we would have a picnic on the way back to Ottawa. All this for one inclusive price of \$800. Yes, it was \$800. I'll never forget it. Terry was so happy after we finished. He was the life of the party at the picnic."

Call it intuition or call it legal training but when she mentioned the money, the penny dropped. That crafty fox. That crafty silver-haired fox. I smiled the smile of a man who had learned a universal truth. I understood her "divorce picnic."

My client expressed great relief at simply being believed by her own lawyer. She smiled too. "What's so funny?"

I couldn't resist another question. "Did he ever tell you how often he made these expeditions to L'Original?"

"Well, as a matter of fact, I heard him tell the Court Clerk as we left L'Original that he would see him in two months. I think he went every two months." She smiled again, happy that we both knew that the picnic had actually occurred.

That crafty Terry McGough, QC, was saving up uncontested divorces like Canadian Tire money and redeeming them in bunches. Through his connections with the judges and clerks, he was transferring all his divorces from Ottawa to sleepy little L'Original. He was doing 20 divorces by lunch time in L'Original. Step right up to the witness box, no waiting.

I tapped the numbers into my calculator. Twenty divorces at \$800 each, six times, equals a gross of \$96,000 a year, doing just uncontested divorces. To top it all off he had a busload of happy clients remembering only the delightful picnic. No wonder he was the life of the party. He was grossing \$16,000 by picnic time.

Having successfully re-established a relationship with my client, I assured her that I would be able to complete her divorce from Arnold. She bristled even at the mention of his name. I explained that, in fact, this time around, a court appearance would not even be necessary, just filing papers and waiting for the judgment. The new Divorce Act had made the divorce picnic a part of legal folklore.

As I helped her slip on her coat in the reception area, it occurred to me that I had forgotten the most obvious question of all. "If Mr. McGough handled your first divorce so well, why didn't you go back to him for this one? Especially since you seemed to enjoy his picnic so much."

"I never want to go on another divorce picnic as long as I live." The intensity of her feelings caught me by surprise.

"I thought you liked the picnic," I asked.

"Liked it? They should be outlawed," she snapped.

I was baffled. "Why?"

Her teeth clenched again. "Where do you think I met Arnold?"