

Tuesday, 22 April 1958

I have a contested divorce case in the offing - Jones v Jones - set for the trial to begin at 10:00 a.m. on Thursday, April 24th. Last November - Jack Stack, a lawyer in Bridgeport, Conn., contacted me and asked me represent Capain Jacob N. Jones of the U.S. Air Force in defending a divorce case filed here by his wife. I suggested we let it go by default - so she could not obtain any valid Judgment for alimony, or support of a 12-year-old boy, and then the Captain could pay her whatever amount he is able to, or desires to pay - or we should explore the possibilities of a favorable settlement. The Captain refused to go either route. He loves his wife - said she is just a little bit mixed up - and if I could stall the case until he completed a tough course at Wright Patterson Field in Ohio - and could come here on leave, he felt certain he could effect a reconciliation. He said - "She has no grounds anyway!" I demanded a "Bill of Particulars." Bill Raggio, her atty., set out 16 items - all of them corkers, including several illicit affairs with other women. The case is in Dept. 2 - where old Judge Maestretti loves - all women. If this gal can prove just one of her 16 items - the Captain will get the axe. He arrived at my office about 3:00 this afternoon. A very clean cut - nice looking man about 38 years old - not Jewish. The Jacob is a Biblical family name from Ireland. I called Raggio. He called Mrs. Jones. The 4 of us met in Raggio's office at 4:30. The man and wife and boy went to dinner this evening. Let us hope there will be a reconciliation - so we will avoid a nasty fight and save a family.

Wednesday 23 April 1958

No reconciliation in the Jones case. The Captain came to see me at 10:30 and said he and his wife talked until 2:00 a.m. this morning. No deal. He will now be stationed in Los Angeles at the Air Force office in charge of the Missile program, Thor and Jupiter, etc. If his wife will dismiss this case - or just let it ride for 3 months - he will rent an apt. for her and the boy in Los Angeles and let them live there alone - where he can court her again. At the end of 3 months - if she still wants a divorce, he will not oppose it. No deal. At 11:00 we had a meeting in Raggio's office - no reconciliation - no settlement. At 3:30 we had another meeting in my office - same result. Raggio and his client have now come down and down to an offer to accept only \$50.00 a month child support - no alimony - and let the father have the boy for 2 full months every summer. I urged him to accept this, for I know so well - that old Judge Maestretti just never turns down a woman's pleas. The Captain and I will just get the Hell kicked out of us in that Court - and we are stuck there. No deal - so I had him return to my office at 5:00. We had dinner together. Came back to the office and worked until 1:00 a.m. on a trial brief of facts. In this case, there was no need for a brief of law, and thus was my first opportunity to get all the facts from my client. As the Captain related to me his side of each one of her 16 points - it became clearer and clearer that she does not have as strong a case as I had supposed. Now I am glad I did not demand a more detailed and specific Bill of Particulars. We will go to trial on her generalized assertions and I will mess her up on cross-examination, where the Court will get the full impact.

Thursday, 24 April 1958

A few minutes before 9:00, Raggio called me - "Are we still going to Court? Can't we settle on some terms?" "No" - I said. The Captain has his neck bowed. It is either a reconciliation - or a fight to the last ditch." "O.K." - said Bill Raggio - "the dumb - stubborn bastard - he asked for it - we'll give it to him!" At 10:00 the curtain went up on another battle in my legal career. This is not a big case - not a very important one - but it has turned into quite an interesting battle. By the way - I am greatly underpaid. In January the Captain sent me \$150.00 and \$50.00 of that went to his lawyer in Conn. - so I have a fee so far of only \$100.00 for a bitterly contested case, and the Captain is not in position to pay we any more just now. The resident witness, Mrs. McArthur, was on the stand only a few minutes. No one expected any cross-examination - but I did cross examine her and brought out some points that may help us - such as the fact she had no car - until recently. She left it in Virginia with her parents - but had it driven out for her only a few weeks ago - and the boy's dog - "Cindy" - is not here in Reno. The old Judge woke up - when I asked about a dog - something to come later. My point is - the boy and his dog were great pals. Momma and son left the dog in Virginia - because they expected to return there soon after her 6 weeks' period ended.) Then Mrs. Jones took the stand. Raggio, in questioning her, followed his Bill of Particulars - except he put all the "unfaithfulness" - and illicit affairs with other women, at the end. Twice I got up and objected to hearsay evidence - but when it became apparent that her evidence - even the hearsay - was very weak - I opened the pasture gate wide - and turned her loose to

wander and graze at will. Her testimony-in-chief took about an hour. Soon after 11:00 o'clock, I began the cross-examination. I was very gentle - almost "nasty sweet" with her - because I knew it would be a great mistake to get rough with this nice looking - quiet woman - especially in Judge Maastretti's Court. As we warmed up - I became a little bit louder - a little more emphatic and demanding. After a generalized cross-examination - one question here - and then jump - clear over to some other point and then back to the first one, etc., I began a systematic questioning of each of the 16 articles in her Bill of Particulars. By noon I had chased the woman into several corners. She was quite unnerved. Bill Raggio was fidgety, and the old Judge was wide awake.

We recessed from 12:00 to 2:00. In order to put the woman at ease - and prepare her for slaughter - I started out gently - asking harmless questions - until I had her in a corner - and then I pounded Hell out of her. For example, she said he was "unfaithful" during the last year they lived in Connecticut (Bill of Particulars item 10 or 12, etc.). I pinned her down bit by bit - who - where - when - how did she know, etc. As the story finally developed, he went to some affairs, he told her - mere business - stag dinners (as I am now convinced they were - all but one picnic). Then she found out there were other wives and other women there. She finally admitted there was only one such event where women were present. Then we haggled over the definition of "unfaithful." I asked for her own definition. She had trouble with words - so I began asking concrete examples - getting down to absurd situations. I said - now if a husband meets some other woman he knows on the street on a hot summer day - they go into

a corner Drugstore and he buys her a soda - "Is that being unfaithful in your eyes?" So help me - the dumb female said - "Yes, it is!" From then on, I had her at a great disadvantage. We went over point by point. Then - you admit this was no more than buying a woman a soda, etc. England - she said he had several affairs with women before she got there. It all boiled down to a night when she and her husband stayed at the home of another couple. The woman told her she had slept with her husband (Capt. Jones). When the facts were laid bare - all 4 were present (a woman would not be likely to tell in front of her own man and another husband's wife that she had slept with the other husband) - and in the end she admitted - all the woman said was - "You two (Jones) can sleep in the room at the end of the hall. Your husband has slept there before."

By 5:00 she was still on the witness stand - under fire - and she was a mess. I am almost sure a Jury would deny her a divorce - especially a Jury of women (as women hate women). If Judge Maestretti denies her a divorce, it will be about the first time in his many, many years on the Bench. I had finished my cross-examination, but hung on until 5:00 - because I did not wish Raggio, or his client, to know I had concluded - let them worry overnight - and keep it open so I could ask more questions tomorrow, if I think of some points during the night.

Friday, 25 April 1958

It was fortunate that I held the cross-examination over - until the morning - because during the night I thought of some good questions. Last evening, at my office, Capt. Jones and I worked until 12:00 on an outline for his testimony - and then I was there until 2:00 a.m. preparing a good full outline for argument, because I was quite sure the case would end today, and it did.

This was another field day for "Little Clel." Lord - how I do love the din of battle - and the smell of legal smoke and fire! By 10:00 we were in Court, but did not get started until 10:30, because of Law and Motion Day. In about 15 minutes, I just literally destroyed the plaintiff's whole damn case by a summary of all her evidence in question form. She had no evidence. Just suspicion and imagination. Some of these damned women disgust me. They demand so much attention from a husband - 60 hours a day would not be enough, and if he does not say - "I love you" every few minutes - he is cold - indifferent, and neglectful. A man who has something else to do - should have several records made so he could have a time clock arranged to turn on a record player (several) in various parts of the house - and the words would sing out - "I love you" - "I love you" - "I love you."

Raggio had no other witnesses - but said he might call the boy in rebuttal. I put Captain Jones on the stand at 10:45. First we put on the record - denials of each of her articles in the Bill of Particulars and each of her witness chair statements of any importance. Then I had the Captain give an outline of the history of the marriage. A story of a long struggle - for

11 years - but after each struggle - a step up - another struggle and in the end a step up. A happy family of 3, until 1956, when he was stationed as the only Air Force officer in charge of the Lycoming Plant in Conn. - where he was responsible for the shipment out of about 5 million dollars worth of engines every month. He worked long hours - became worried and cranky. His wife looked for and found outside interests - one of which was a Little Theatre group. Then came 4 young men - wearing leather jackets. Day after day - they were at the house - all 4 of them when he came home. The Joneses began to bicker and quarrel. "Bridy Murphy" - was the rage. Along came a guy who claimed to be a hypnotist - and he "regressed" her to the point where one morning the Captain came downstairs, after one of their all night parties, and found his wife asleep on the kitchen floor with the "regresser's" arms around her. He made no fuss - because there were several people in the house, etc. I thought perhaps Mrs. Jones would deny this event. But so help me God - in cross-examination Raggio asked the Captain - "Now, Capt. Jones, you did not care very much - did you? As a matter of fact, you went and got a blanket and put over your wife - didn't you?" What a beautiful point for argument.

We argued the case from 3:00 to 5:00. The Judge did not render a decision. He merely said - "Case stands submitted." Now what? Well - we do not want a divorce - so if he sits on it for months we have a victory.