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FAMILY LAW

Mayoral Divorce Likely to be Low-Key

■ California's laws, and L.A. Mayor James Hahn's style, indicate there will be no repeat of the Giuliani mess.

By Mark Cromer
Daily Journal Staff Writer

LOS ANGELES — If Los Angeles Mayor James Hahn's separation from his wife, Monica, becomes permanent, the divorce could be less messy than former New York mayor Rudy Giuliani's 2001 marriage meltdown, several veteran divorce attorneys said.

California law can help the pair close the curtain quietly on their 20 years of life as a married couple, they said.

"If it is handled correctly, it can all be done behind closed doors," said Stacy D. Phillips, of Phillips, Lerner & Lauzon in Los Angeles.

Some of the differences in the two cases no doubt reflect personal style. Hahn announced last week through a statement issued by his personal lawyer, Patricia Glaser, that he and his wife are now living separately.

By contrast, the New York mayor announced the end of his marriage in front of television cameras, apparently before informing his wife Donna Hanover, who was still living with him and their children in Gracie Mansion.

But California's low-key divorce practices will also keep down the noise. Phillips pointed out that California's widely used private judging system is one way to sweep a messy divorce under the rug. Under the system, in use in California since 1976, a retired judge hears the case in private and the judgment becomes legally binding.

California's no-fault divorce statute also will help the Hahns avoid the high-octane acrimony that marked Giuliani's break up, Marvin Mitchelson said.

"New York has a whole different system," said Mitchelson, who filed California's last at-fault divorce case for Groucho Marx's wife, Eden, in 1969. "Sometimes, when you have a child custody case, you can bring dirt in on a fitness issue, whether it's a sex life or smoking a little grass. But other than that it's tough."

In New York, a court finding that one party is responsible for ending the marriage can have a direct impact on spousal support awards and the division of property. In California, there are two basic grounds for seeking a divorce: irreconcilable differences and incurable insanity.

The only time fault is at issue is when a spouse tries to cut the other out of a profitable financial deal, such as improved stock options, according to Phillips.

In the case of *In re Marriage of Rossi*, 90 Cal.App.4th 34 (2001), Denise Rossi was found to have hidden a \$1.3 million lottery jackpot from her ex-husband as the two were divorcing. As a penalty for her fraud, the trial judge awarded Thomas Rossi all the money, which the appeal court upheld.

Mitchelson has handled about 8,000 divorces, including Sonny Bono's and Joan Collins', since he started practicing in 1957. He said California's social culture as well as its legal framework will help if the Hahns decide to divorce quietly.

"Giuliani's mess was a New York thing. They do things differently out there," he said. "Los Angeles is laid-back, in the sense that, while we love dirt on celebrities, these days it has got to be red-hot, like Kobe. Divorce is almost passé, and 'no-fault' doesn't leave as much room to smear. It's just not that exciting."

Manhattan attorney Raoul Felder, who represented Giuliani in the divorce proceedings, agreed that the flavor of his client's case may have been shaped somewhat by Gotham culture.

"We have a private judge system here too, though it is used much less frequently, perhaps as a result of the culture,"

Felder said. "Or maybe we just pay our judges really well and they don't all have to start working again as soon as they retire. We have a lot of judges on the bench here and we can get almost immediate access to be heard."

But in Los Angeles County, according to Phillips, a couple seeking a divorce might wait two years before it is final. Phillips noted that while California allows for divorces to be bifurcated, expediting resolution of the big issues, the details may take years to sort out.

One of the more striking aspects of Giuliani's divorce was the court order that prevented the mayor from bringing his then-lover, and now wife, Judith Nathan, to Gracie Mansion while Hanover and the children were still there.

"I'd never seen anything like it before," Felder said. "It was played a little wrong in the press, though. Rudy just wanted to entertain her in the public area of the mansion, not have her over in the private residence area."

Since neither of the Hahns are living in the mayor's official residence in Hancock Park, Mitchelson said it was unlikely a judge would issue such an order here.

"That's the kind of thing that would probably not happen here, though I felt the judge was right to do it in New York," he said. "If that situation arose here, if it got really acrimonious, a judge might intervene for the children and the city."

Felder said there is little to be gained by any public official placing his divorce in the limelight.

"I don't see any advantage to taking a case to the cameras," Felder said. "Giuliani drew the media because he was the mayor. There was just no way out of it."

Mitchelson, speaking of the Hahns, said other factors also may help them.

"This one looks like a cut-and-dried sort of deal, as there is not a huge estate involved and I doubt we'll see any claims of either one of them hiding money."