

Divorce Corp. By Joseph Sorge with James Scurlock. Jackson, Wyoming: DC Book LLC, 2013. 195 pages. Book \$24.95. Audiobook \$29.95. www.divorcecorp.com.

Divorce Corp. Film Directed by Joseph Sorge. 2013. 93 minutes. www.divorcecorp.com. DVD \$19.95. Blue-Ray \$24.95. Review by J. Steven Svoboda

Joseph Sorge and collaborators have released an absolutely superlative pair of related products-the Divorce Corp. movie and the Divorce Corp. book. Sorge, it should be noted, is a young man of no inconsiderable achievements, having a bachelor's degree from the Massachusetts Institute of Technology and a Harvard Medical degree, serving as a molecular biology professor at Scripps Research institute, and founding a biotech startup that he took public.

I was fortunate enough to live in one of the fifteen metropolitan areas in which the movie played, unfortunately playing for only one week in January 2014 before closing. I co-organized a rally held on Opening Night to publicize the plight of men and women caught in the jaws of what-as the film and book all too graphically show us--is truly a corporation dedicated to stripping people of their marital status and assets. The book is also offered as an audio book.

I am even going to do something I have never done before and praise Sorge and his team for *not* sending me a review copy of the book! They deserve accolades for their far-sightedness in avoiding any taint of connection to any gender-related advocates in this issue, because truly as they show, in the end we all lose from our absurdly wasteful and corrupt divorce system.

An odd combination of heartbreak and hope enters when the filmmaker and author (the same person, Joseph Sorge) takes us to Greenland to learn about the divorce process in that country. There are zero divorce lawyers in that country and the process is almost free. Not entirely? At first the woman who is interviewed believes that her divorce was totally free but then she remembers that in fact she had to use a postage stamp to mail her paperwork to the authorities.

Like the movie on which it is based, the book gets right to the point. In the second paragraph of the foreword, Dr. Drew Pinsky writes, "If a hospital routinely made its patients sicker, it would be shut down."

Words fail me as I try to summarize the many wonderful aspects of this film and book. Sorge and collaborators have an awesome knack for summarizing a complex (at times deliberately so, or so it would seem) system with a few deft stories. We learn about Emily Gallup, who falls into doing child custody mediation in Nevada County, California. Initially successful, she soon gets in trouble with her superiors for doing her job more conscientiously and more thoroughly than is their preference, as well as for doing her best to keep the system honest and to call attention to its all too frequent (and sometimes deliberate) failings. Continuing the hospital analogy, Gallup expresses her bewilderment that the entire family court system in that county was using for everyone

an "emergency room model" only suitable-if even then--for the most extreme cases. "I didn't understand it," Gallup says. "If a patient goes to the hospital with a broken arm and they merely put a Band-Aid on some skin scrapes and tell them to come back in a couple of weeks, that patient is just going to come back sicker and sicker." Gallup herself becomes a victim of the system, finding herself fired and her reputation besmirched by the very entity whose functioning and integrity she was struggling so desperately to salvage.

Another very different story that came across very compellingly in the film: By day, Joseph Kenan-a past president of the American Society for Adolescent Psychiatry--worked as a highly compensated custody evaluator who had very close ties with a number of judges. By night, with one letter in his last name switched so he became Joseph Kegan, the same person was out having extreme homosexual sadomasochistic sex and posting detailed photos on Facebook complete with sarcastic captions such as, "Look at my dysfunctional family." When this was all discovered, Kenan did receive a slap on the wrist but his evaluations were still included in future proceedings and he was allowed to retain his position!

One of the most disillusioning parts of this whole story is that many of the lawyers and judges are all too aware of the numerous problems with the system. Some are uninterested in making things better as it won't personally benefit them and may harm their bottom line, and a number-including a number of judges and custody evaluators-are actively opposed to righting a badly overturned ship.

Danielle Malmquist's marriage only lasted four months but as chronicled in the book and movie, "the divorce is now nearing its fifth anniversary with no end in sight." The phenomenon of a divorce that lasts "longer, sometimes far longer, than the marriages themselves" is sadly far from unusual.

Such situations would almost be laughable if they weren't so dreadfully sad and, more important, so tragically wasteful of money and so catastrophically harmful to whatever children are involved, like the Malmquists' two sons. Think men are the only ones wronged by the divorce industry? Think again. Danielle hasn't seen her boys in 1.5 years. Every time she is out of jail, she asks the court for permission to see them, and the court denies it and sends her back behind bars.

Sorge's book and movie drive home the point over and over that divorce courts in the US largely absent themselves from the sort of oversight and litigant restraint functions that they perform pretty much throughout the rest of the American judicial system. For example, a judge discovers evidence that a man's ex-wife and her attorneys are defrauding him. "But rather than refer the fraud to the district attorney or a grand jury, the judge promptly washed her hands of it, which meant that [the ex-husband] would be forced to take up the issue himself by suing the opposing attorneys in order to recover some of the money he had spent defending himself." Again, a wrestler's ex-wife practices open deception, substituting phony DNA to convince the wrestler that he

fathered her child, and the law not only failed to punish but allowed and even promoted what would otherwise be criminal behavior.

We are shown over and over how, "as the system became more complex, millions of families were priced out of a basic right to justice." To the point where today almost no one can afford true justice in family court. Many, even most litigants eventually find themselves forced to proceed without a high-priced lawyer. The problem though is courts are biased against such persons and tend to see them as "vexatious" and to be impatient with their (obviously fully understandable) lack of legal knowledge. Most piquantly, after the Texas Supreme Court recommended streamlining the divorce process and providing plain English forms to help self-represented litigants, the Texas Bar Association blocked the recommendation.

Divorce cases all too often become irresolvable conflicts fated to continue indefinitely, at each step along the way extracting fantastic amounts of money from both parties. Even divorcees, perhaps even more than married people, are "inextricably attached, 'til death do they part, by the system." The spouses fight for money while the goalposts keep being moved, "and the game [becomes] fiercer and the rules more complex as they [play] along."

The book and movie pull off some remarkable investigate coups. For one thing, Sorge points out that the same judge told a journalist that family court problems were not as bad as some reports suggested, a then a few days later in an off the record meeting with family law professionals, admitted that family court is not a house on fire, but a "house [that] has already burned to the ground"!

Wait, it gets worse. The Internet and other factors are rapidly changing the economics of many jobs, yet family court "imputes" to divorcing spouses income based on past earnings, even if such wages can never realistically be replicated in the present day. The imputed income standard fails to "take into account whether or not a job is available in the first place. It simply assumes that it is."

All too often there is simply no way to find work that pays the imputed salary and the ex-spouse must declare bankruptcy. Indeed, Sorge tells us, one of the top three causes of bankruptcy is divorce proceedings. "One might assume, then that there would be some cooperation and communication between the bankruptcy court and the family court, but this is almost never the case." Earnings of second spouses can be raided to pay first spouses. All of this is based on a badly dated model of an "earner spouse" and a "supported spouse" as well as the ridiculous idea, for which zero scientific backing exists, that children are harmed if not maintained at the economic level their family had during the marriage. As a result children sadly become pawns in this twisted chess game, "little bags of money" as one family lawyer frankly if dismayingly phrases matters. Sorge points to a peculiar "double-standard: children of intact families are expected to sacrifice when times are tough while children from divorced homes are protected from circumstances by the expectation that they should enjoy the 'intact' lifestyle until they graduate high school.."

How many ways can a single system be broken? In the topsy-turvy world of divorce court, the litigants are incentivized to behave badly by a "perverse" (in the author's words) system of incentives "whereby the less you see of your children the more you pay in child support." As another example, the ex-spouse tasked with supporting the other one is chained to an existing job that pays the highest salary, even if the plan during marriage had been for that spouse to go back to school in order to raise long-term income, or to switch careers, etc. "Ironically, the supported spouse has the freedom to do all of these things but not the incentive since earning more money would reduce his or her support payments!" Just what you don't want: a legal system that has rewards flowing in the wrong direction.

That's not enough. Also, Sorge notes, other courts allow the right to cross-examination of hostile witnesses and the right to a trial by jury. These are considered a fundamental constitutional entitlement about which we all learned as elementary students. How do family courts avoid providing these rights? Through a technical dodge, whereby they claim to be "courts of equity," neither civil nor criminal courts, and actually something not contemplated by our constitution. The "family courts claim that there is no time" for the cross-examination. A suitable motto for family courts would seem to be, "No time for justice."

Wait, there's still more. "There is no other body of law that automatically assumes that one side is entitled to receive and the other to pay. Nor under any other legal code does the outcome rely on individuals who are not, in any meaningful way, a party to the dispute: the children."

The good news is that simple alternatives do exist that will greatly improve on the current state of things. Family courts should have jurisdiction only over dissolution of a marriage, not over parenting, absent concrete evidence of abuse or neglect that is first proven in criminal court. Also, it should be mandatory that, "Unless there is proven abuse or neglect, temporary custody orders should always be for equal time with mother and father and for joint legal custody, meaning that parents have an equal say in major decisions affecting their kids." Obviously the money a parent receives should be decoupled from the percentage of time they spend with their children. And support should be the same for every child regardless of parental income levels. The law should be greatly simplified and all criminal matters-perjury, fraud, domestic violence--should be turned over to criminal court, by definition the court best equipped to handle them. Alimony should be eliminated as the outdated artifact of an earlier era that it is. Do it yourself divorce should be promoted and frivolous litigation should be discouraged. Most importantly, fathers and mothers (and husbands and wives) must be treated equally under the law.

Sorge adroitly points out, "Custody battles are like typical lawsuits in reverse...the judge makes up a [assertedly "temporary"] custody order before any of the evidence is established and then, only months and sometimes years later, hears the case." Sadly, "a 'temporary' order is temporary in name only."

The story is a depressing one but a critical one for every American to be informed of, married, divorced, or single, whatever your sexual orientation, and however many children you have. Watch the movie and read the book and support this impressive and important set of achievements by Joseph Sorge and his collaborators.