

## **PALM BEACH COUNTY JUDGE'S HARD-FOUGHT ALIMONY VICTORY MAY HELP OTHER DIVORCED PEOPLE**

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WEST PALM BEACH - Palm Beach County Circuit Judge David French on Wednesday won his decade-old battle over paying his ex-wife alimony - a victory that ultimately could help other divorced people who are supporting ex-spouses living with new loves.

Saying a three-year-old state law gives courts the ability to reduce alimony payments to those who are in "supportive relationships" with new people, the Fourth District Court of Appeal ruled that French shouldn't be forced to pay \$3,400 a month to his ex-wife who has lived with another man for roughly 20 years.

"Here, the former wife has been living with another man with all the trappings of a marriage, without the formal legality of one, for longer than she was married to the former husband," Judge Melanie May wrote in an opinion joined by two other judges.

Neither Gayle French nor her attorneys could be reached for comment on whether they plan to appeal.

But, if the ruling stands, French will be able to go back to court and ask a judge to terminate, or at least reduce, the alimony that has cost him \$40,800 annually since 1993. Because he is a Palm Beach County judge, the case will be heard by Broward County Circuit Judge Arthur Berkin.

French applauded the appeals court decision, saying it clarifies the impact of a law the legislature passed in 2005 as a way to promote families. Allowing people to continue to collect alimony as long as they didn't remarry encouraged them to live together instead of tying the knot, then-Gov. Jeb Bush said when he signed the legislation.

The measure was a year old when French asked Palm Beach County Circuit Judge Jack Cook to free him from the alimony payments that were ordered as part of his 1988 divorce. He argued that the net worth of his ex-wife had soared from \$97,000 to \$900,000 and that she was, for all practical purposes, married to the man she began dating in 1987.

Cook agreed that Gayle French was in a "supportive relationship," but declined to reduce the alimony payments that had been clipped from \$4,000 to \$3,400 monthly in 1993.

Originally, the appeals court upheld Cook's opinion. But French and his attorney Amy Shields asked for a rehearing based, in part, on a dissenting opinion appellee Judge Gary Farmer wrote in a case that also turned on the interpretation of the new law.

"Why should the law require that a previously married person be supported by two separate members of the opposite sex: one from whom she is divorced and one with whom she is cohabiting," Farmer asked in his opinion in which he supported cutting off alimony to a woman who was living with a new man.

Shield said she wished the appeals court had adopted Farmer's view. But, she said, Wednesday's opinion goes a long way toward clarifying the law.

It is likely the Florida Supreme Court will eventually weigh in.

"It's a very hot issue in family law," Shield said. "It effects so many people across the board."