

# How 'The Divorce From Hell' pressed all the hot buttons

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ONE evening in late January, seven friends gathered for ribs and conversation at a Forest Hill home in downtown Toronto. There were three lawyers, two psychiatrists and two media types, one a writer, the other a television producer. A few of them were parents, one woman was divorced. There was only one topic of conversation that night and it was the cover story of the February issue of *Toronto Life*: "The Divorce from Hell," the most controversial piece of journalism to hit Toronto in a long time.

The article detailed the divorce and custody battle of Ben Gordon and Terry Nusyna. It was painfully intimate — written by the woman with whom Ben Gordon is currently living, journalist and author Wendy Dennis. Promi-

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*It's not hard to see why the sorry saga of Ben Gordon and Terry Nusyna had the chattering class abuzz. It had it all: litigation, messy divorce, journalistic ethics, mercenary lawyers and misguided therapists*

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nently displayed over the article's 14 pages were photographs of the Gordons' two young daughters, as well as notes written to their paternal grandmother and their father. For the group of friends discussing the article over dinner, the tale of how the family-court system had failed one family had the awful ring of truth. But the manner in which the tale had been told appalled them all.

It's easy to see why "The Divorce From Hell" hit a hot button with the city's chattering class. First, it was a scary story of protracted litigation. Second, it was about divorce. Third, there were the issues of journalistic ethics: the widely perceived conflict of interest of the au-

thor and the invasion of the children's privacy. Finally, the story hit a nerve with its scalding attack on the city's legal and therapeutic professions.

For those insiders in Toronto's legal and media circles, there was an added dimension. Many knew Wendy Dennis personally, and they knew of her own continuing bitter battle with her ex-husband Toronto lawyer David Wilson over the course of 11 years.

Regarding my own conflict of interest, I had never met or spoken to Wendy Dennis before interviewing her for this story or any of the other principals in her article. But I am the author of the *Telling Tales* gossip column in *To-*

ronto *Life* and know the editor of the magazine well. I requested an interview with Terry Nusyna for interviews through two lawyers who know her, but she did not respond.

Since the article's publication, wherever the legal profession or the therapeutic community convenes, there has been discussion — and gossip. At the annual meeting of the Ontario Psychologists Association in Toronto it was the big topic of the day. Toronto judges have been were buzzing about it. And it has been rich fodder for local talk shows.

At the Coffee Tree in Forest Hill Village, journalist Margaret Cannon and literary agent Helen Heller, engaged in a heated debate about the article, looked around and discovered everyone else in the coffee shop had started satellite conversations of their own. "Everywhere you went, it was the only thing anybody talked about and everybody was taking sides," says Ms. Cannon. Even now, almost two months later, people who haven't read the article have opinions on it. Significantly, however, no one in the litigious crowd of players named in the story has sued the author or the magazine.

Billed by *Toronto Life* as a horror story, the saga of Terry Nusyna and Ben Gordon spans five years of acrimony and escalating legal fights as they battled over who would win custody of their two young girls and how their assets, including their million-dollar Forest Hill house, would be divided. Ms. Dennis paints a landscape crowded with mercenary lawyers, misguided mediators and hamstrung judges.

Please see **THAT ARTICLE** / D3



• From Page D1

A total of four separate therapeutic assessments failed to come up with a plan for sharing the children. At least six lawyers, two masters, six judges and even Ontario Chief Justice Charles Dubin played a role as the case looped its way tortuously through the family-court system. Meanwhile, the parents waged a bitter psychological war through the children.

Mr. Gordon retained a total of six lawyers over the years, but Moishe Reiter, whom he hired for his reputation for playing hardball, was his principal representative. In the article Ms. Dennis described him as a strutting bombast. Ms. Nusyna's lawyer, Ronald V. Zaldin, appeared as less colourful but considerably more successful in their frequent court appearances.

In her depiction of Ben Gordon, Ms. Dennis described a loving, involved father but also relates incidents of temper and possibly violence by him. "She portrayed Ms. Nusyna, who was not interviewed for the article, as a single-minded woman who cunningly worked the system to her advantage. (Both spouses had already been through divorces when they met; Ms. Nusyna's first husband was rock singer David Clayton Thomas.) In the end, Mr. Gordon decided to break off contact with his children, even though he has been awarded access, in order to save them further emotional pain. Over the course of the battle he ran up \$275,000 in legal fees and \$16,000 in mediator and assessor fees. The article vividly described him sending his daughters away for a final time in a taxi — a detail that upset many readers. Mr. Gordon has not seen his children in three years. His ex-wife has moved herself and the children to another community and has accused him of stalking the family. Though he knows the community in which his children live, Mr. Gordon he says he does not know the address of the new home.

The animated debate that took place over dinner in Forest Hill was typical: Was the article merely lawyer bashing or an exposé of family court and some of its players? Were the therapists singled out representative of the profession or bad

**'That article serves as an aspect of the fight — it's another punch'**

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# The divorce from hell

**When his marriage failed, Ben Gordon knew what he didn't want. He didn't want a long, messy, expensive divorce in which the children suffer and no one wins but the lawyers. But after seven painful years and \$275,000 in legal fees, he is a stranger to his two daughters and deep in debt.**

**A horror story by Wendy Dennis**





story and maybe it points to what's wrong with the system," says Dr. Goldstein, "but you don't use children to attack. Anybody who's part of that, you've got to wonder where they're coming from. Parents are supposed to protect their children."

Of the 100 or so letters written to the editor of *Toronto Life*, a number objected to the use of the children — and saw it as a reprehensible way to sell magazines. "I think the editors have made a serious mistake in letting this article see the light of day," wrote B. Morrison of Toronto. Lawyer Brenda Christen's postscript to a letter to the magazine said: "Perhaps *Toronto Life* could do these children a favour and publish the phone number for the nearest Children's Aid office so they can turn themselves in."

*Toronto Life* editor John Macfarlane says he has never had as much mail on one story in his 30-year career as an editor and that the issue proved a brisk seller — about 16,000 copies were sold, more than many issues but not as many as the annual "Where To Get Stuff Cheap" issue. The fallout included some subscription cancellations but also a good deal of praise, some of it from adults who were taken away from a parent when they were children. Mr. Macfarlane says the editorial staff and its legal counsel "agonized" over the decision to use the children's names, photographs and personal notes — and that since then he has spent a lot of time defending his decisions, even to members of his own family. He says he decided not to conceal the girls' identity because Ms. Dennis' byline would have given it away anyway. Moreover, he says, "It would have made it less powerful to change the names or to use asterisks. It's less effective because it invites the reader to wonder how much has been fabricated. It's less real, less affecting. We decided that whatever the effect [on the children], and it probably has been exaggerated, it would be far less traumatic than the things that have already happened to them."

But the propriety of identifying the children wasn't the only controversial issue. Just as vigorously debated at gatherings of writers and editors — such as at a bash at Saturday Night magazine last month — was whether Ms. Dennis should have been excluded as the writer because of her involvement with Mr. Gordon.

Then there is the matter of Ms. Dennis' own messy divorce — which was described last month in the muckracking magazine *Frank*. Some argued that Ms. Dennis couldn't possibly be objective. David Hayes, a journalist and instructor in magazine writing at Ryerson University, the article was simply "a very powerful and very brave example of Wendy Dennis' personal journalism. The only problem I had is that I felt she should have declared herself more clearly at the top of the piece."

Mr. Hayes argues that her knowledge of the family-court system enhanced the story. "If it is meant to shake people up, then she succeeded. It goes with the territory that you're going to be attacked." However, when the article was analyzed

in Mr. Hayes' fourth-year class in advanced magazine writing, the students were nearly unanimous in their condemnation. "They felt strongly that someone more removed from the story should have written it."

*Toronto Life*'s John Macfarlane has an answer to that. "I'm struck by how many journalists don't realize there was no other way to do this story," he says. "If, as a journalist, you think that we could have gotten at an anatomy of a divorce — a real divorce — in a convincing way, then why haven't we heard about it before and why don't they go and write it."

In the extensive media coverage of the story, there were some kudos — *Globe* columnist Margaret Wente, writing in this section, hailed the article as revealing faults in the system; and columnist Frank Jones in the *Toronto Star* called it an "act of real journalistic courage." *Globe* columnist Bronwyn Drainie, on the other hand, caused a stir when she excoriated Ms. Dennis and *Toronto Life* for what she saw as an unethical act of vengeance. And interviewers such as CBC Radio's morning host Andy Barrie, while calling the story "interesting, moving, disturbing — all the things a good piece of journalism should be," was bothered by the part Ms. Dennis, Mr. Gordon's "lover," played.

For Ms. Dennis, the furor has been astonishing. "It's taken off in directions as fascinating and disturbing as the story itself," she says. There have been dozens of phone calls and letters from lawyers, therapists and divorced men and women, about half of whom applauded her. Several told heartbreaking stories of injustice and estrangement from their children and sought her help.

On the other hand, she says, "I've heard from people who think I'm the slut who came on the scene and caused all Ben's troubles, people who think Ben is a Svengali and I'm his Stepford Wife. People, like Bronwyn Drainie, who think the story is totally biased but apparently come away from this totally biased story with a deeply unsympathetic view of Ben. And people with first-hand knowledge of the system and the players who think I pulled my punches."

Ms. Dennis believes that a lot of people, whether they are aware of it or not, are outraged that the story is told from the point of view of the man: "For example about women as victims — that they're morally superior, that mothers never do harm to their children. This story is tied into the bias of the reader. The story is so profoundly disturbing that a very appropriate response is outrage and a sick feeling in the pit of your stomach. It is so horrifying that instead of saying how could these events happen, they say, how could you tell me about this. I see it as misplaced moral outrage."

Both Ms. Dennis and Mr. Gordon say they are surprised — and disappointed — that the discussion about bias and ethics has almost completely eclipsed the goal of the piece — to do battle with the family-law establishment. "People say, well, what about the other side," says Mr. Gordon. "This is the other side of the story. This is what happened to this guy."

Ben Gordon also feels that responses to his divorce tale say more about other people's prejudices than the merits of the story. He sees his battle for justice as a father as akin the Civil Rights movements in the Southern United States. "When you bring to people's attention that there is such prejudice, such a lack of empathy for a great percentage of the population, people are offended. They say, surely not me."

In discussing the impact of the article, Mr. Gordon finds himself going back over the details of his five-year matrimonial battle — although he says he vowed to himself he would not. He is convinced the "Alan Alda" type of dad — his term for a very involved father — threatens women and more traditional weekend dads.

Mr. Gordon, who says many of his friends were uncomfortable talking to him about the article after it was published, says he hadn't considered public reaction before he decided to tell his story. "I don't feel vindictive, I don't feel I need to get back at people. I've had three years to contemplate this and it's not just about me, it's about the legal system and society. There was a crime in being silent."

But the bereft father had another motive as well. Mr. Gordon says, after much deliberation, that he decided he wanted the names, photos and notes by his daughters published in the magazine for one reason: He wants his side of the story to be on the record for his children. In particular, he sought to reach his oldest girl who, he believes, is soon going to be old enough to make up her own mind about what happened to her father. He says he told the children's vice-principal before the article came out so that she could prepare them for the the impact it would have on them.

Is he happy that "The Divorce From Hell" is now a very public saga? "Absolutely," he says. "I achieved what I wanted to achieve."

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