

# Costly Transgressions

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Eldrick “Tiger” Woods has played golf since he was three years old. While he may be the world’s best golfer, he has hit many shots into the water, a sand trap or out of bounds. But even Tiger isn’t going to be able to navigate his way out of the most recent hazard he’s gotten himself into.

It seems as though each day new sordid details emerge about Tiger’s transgressions. While I certainly don’t want to comment on Tiger’s extracurricular activities, I thought it might be interesting to discuss the legal aspects of his infidelity.

Obviously, he and Elin have a prenuptial agreement. If they were to get divorced, the terms of the agreement state that she is to receive a cash settlement believed to be somewhere near \$20 million. But Tiger’s check-writing may not end there.

Seven states in the U.S. still allow for “alienation of affection” actions. In such a lawsuit, the spouse of an adulterer can sue an “outsider” who interferes with a marriage and seek monetary damages. The concept is similar to that of tortious interference with a contract, where, for example, Nike could sue Footjoy if the company tried to persuade Tiger to switch golf shoes and breach his contract.

Such laws are based on the antiquated legal concept that a wife was once considered the legal property of a husband. Most states have abolished alienation of affection actions, believing they make contentious divorces even more heated. The actions are still allowed in Hawaii, Illinois, Mississippi, New Mexico, North Carolina, South Dakota and Utah. Conversely, supporters of alienation of affection actions claim the threat of such lawsuits help protect the sanctity of marriage. Additionally, lawmakers who try to repeal these laws are often labeled as pro-divorce.

What this means is that even though Tiger Woods is a resident of Florida, if he had a tryst in one of these seven states with a married woman, or if he had an affair with a married woman from one of these states, that woman’s husband could sue Tiger for interfering with his marriage. As far as lawsuits go, Tiger’s extremely deep pockets make him an ideal defendant. He would have no problem paying a judgment in excess of \$1 million, which juries in North Carolina have handed on multiple occasions.

Likewise, if Tiger did have an affair with such a woman, Elin could sue the woman as well. Although Elin probably has no need for the money and the other women may not have much money, revenge is another motivating factor in many alienation of affection lawsuits. Accordingly, most alienation of affection cases settle out of court, for the defendants typically fear the lurid details of their encounters being aired in open court.

Such was the case with Chip Pickering, a congressman from Mississippi. Pickering was groomed to succeed Trent Lott in the U.S. Senate before details of his infidelity surfaced. Pickering’s wife, Leisah, filed an alienation of affection lawsuit against Chip’s alleged lover, socialite Elizabeth Creekmore-Byrd. The facts of the case are so juicy lawyers on both sides have reached a confidential agreement to not discuss it publicly. Ironically, Pickering co-sponsored legislation for President George W. Bush to declare 2008 the “National Year of the Bible.”

I’m sure Tiger would like a mulligan for some of the decisions he’s made, as his choices may have caused him some very costly penalties.