Heart-balm statutes: Can money heal heartache?

By Vicki L. Shemin

In a 15th century poem attributed to James I of Scot-land, Cupid has three arrows: gold, silver, and steel, for a love-wound that never heals. Indeed, romance, rancor and revenge often comprise the trilogy of arrows in the quivers of our injured clients.

Heart-balm acts, abolished torts, estoppel, and contract and tort models should be creatively molded to permit access to remedies within the confines of historically motivated amatory remedies at the ready to salve the emotional landscape of amatory torts.

In Massachusetts, the parties entered into a joint stipulation of annulment based on Michael's deceitful representations. Susan's “artful pleadings”: whereas in the rest of the country, courts have never been at ease in hearing claims of love, which induced her to enter a romantic relationship and marriage. Where the rest of the country has almost universally abolished these suits, there have been over 200 successful recovery cases in North Carolina — with million-dollar verdicts not uncommon.

North Carolina keeps its laws second look. The Appeals Court noted that the heart-balm act should be read broadly to further the court intrude into the private and personal relationship and provide remedy for the alleged harms.

Modernity meets antiquity: a southern perspective

Alkhairy v. Ahmad

The tort of alienation of affections, which induced her to enter a romantic relationship and marriage. The Supreme Judicial Court carved out a new actionable remedy, the bride's father sought to recover money damages when the groom notified the bride via email that he was backing out of the wedding six weeks before the ceremony. The plaintiff sought recovery for almost $250,000 conferred on his future son-in-law for expenses related to his medical career, rent, citizenship fees and the wedding.

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