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New York Divorce and Family Law Blog

[Husband's Emails Admissable in Divorce](#)

Posted on May 14, 2009 by [Daniel Clement](#)

In case that seems to be splitting hairs, a judge ruled that emails culled by a wife from her husband's on-line account did not constitute eavesdropping and were, therefore, admissable at trial.

Had the emails been intercepted while "in transit" to the husband, the wife would have guilty of eavesdropping under Penal Law Sec. 250.00. The law prevents individuals from intercepting a communication, like an email, going from one person to another.

In the case, [Gurevich v. Gurveich](#), (subscription required) the wife had her husband's email account passwords, and accessed his account. By doing so she was able to obtain emails evidencing a scheme to hide his income. Justice Sunshine ruled that the emails were admissable because the emails were not "in transit" when they were read by the wife-they were already in the husband's account.

The moral of the story, if you do not want your email communication to be used against you in a divorce, don't give your spouse your passwords or access to your account. As part of your divorce preparation, change your passwords.