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# SHELDON SIEGEL



# SPECIAL CIRCUMSTANCES

A Mike Daley/Rosie Fernandez Novel

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# **SPECIAL CIRCUMSTANCES**

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**SPECIAL  
CIRCUMSTANCES**

Sheldon Siegel

~~This is a work of fiction. Names, characters, places, and incidents either are the product of the author's imagination or are used fictitiously, and any resemblance to actual persons, living or dead, businesses, companies, events, or locales is entirely coincidental.~~

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For Linda, Alan, Stephen and Charlotte.



## A LICENSE TO PRINT MONEY

*“Founded in 1929 and headquartered in San Francisco, Simpson and Gates is the largest full-service law firm based west of the Mississippi. With over ninety hundred attorneys in eighteen offices on four continents, Simpson and Gates recognized as an international leader in the legal profession.”*

— Simpson and Gates Attorney Recruiting Brochure.

*“For seven hundred and fifty dollars an hour, I’d bite the heads off live chickens.”*

— J. Robert Holmes, Jr., Chairman, Simpson and Gates Corporate Department. Welcoming remarks to new attorneys.

For the last twenty years, being a partner in a big corporate law firm has been like having a license to print money. At my firm, Simpson and Gates, we’ve had a license to print *a lot* of money.

At six-fifteen in the evening of Tuesday, December 30, the printing press is running at full speed forty-eight floors above California Street in downtown San Francisco in what our executive committee modestly likes to call our world headquarters. Our 420 attorneys are housed in opulent offices on eight floors at the top of the Bank of America Building, a fifty-two-story bronze edifice that takes up almost an entire city block and is the tallest and ugliest testimonial to unimaginative architecture in the city skyline.

Our two-story rosewood-paneled reception area is about the size of a basketball court. The reception desk that is longer than a Muni bus sits at the south end of the forty-eighth floor, and I can see the Golden Gate Bridge, Alcatraz Island and Sausalito through the glass-enclosed conference room on the north wall. The gray carpet, overstuffed leather chairs and antique coffee tables create the ambiance of a classic men’s club, which is entirely appropriate since most of our attorneys and clients are white, male and Republican.

Even in the evening of the customarily quiet week between Christmas and New Year’s, our reception area is buzzing with a higher level of activity than most businesses see in the middle of the day. Then again, most businesses aren’t the largest and most profitable law firm on the West Coast.

Tomorrow is my last day with the firm and I am trying to shove my way through three hundred attorneys, clients, politicians and other hangers-on who have gathered for one of our insufferable cocktail parties. I hate this stuff. I guess it’s appropriate that I have to walk the gauntlet one last time.

In the spirit of the holiday season, everybody is dressed in festive dark gray business suits, starched monogrammed white shirts and red power ties. A string quartet plays classical music in front of the blinking lights of our twenty-foot Christmas tree. The suits have gathered to drink chardonnay, eat hors d’oeuvres and pay tribute to my soon-to-be ex-partner, Prentice Marshall Gates III, the son of our late founding partner, Prentice Marshall Gates II. Prentice III, one of many lawyers in our firm with Roman numerals behind his name, is known as Skipper. He is also sailing out of the firm tomorrow. The circumstances of our respective departures are, shall I say, somewhat different.

After my five years as an underproductive partner in our white-collar criminal defense department, our executive committee asked me to leave. I was, in short, fired. Although the request was polite, I was told that if I didn’t leave voluntarily, they would invoke Article Seven of our partnership agreement, which states, and I quote, that “a Partner of the Firm may be terminated by the Firm upon the affirmative vote of two-thirds (2/3) of the Partners of the Firm, at a duly called and held meeting of the Partners of the Firm.” In the last three years, fourteen of my partners have been Article Sevened. I have graciously agreed to resign. On Monday, I’ll open the law offices of Michael



J. Daley, criminal defense attorney, in a subleased office in a walk-up building in the not-so-trendy part of San Francisco's South of Market area. Welcome to the modern practice of law.

Skipper's story is a little different. After thirty years as an underproductive partner in our real estate department, he spent three million dollars of the money he inherited from his father to win a mean-spirited race for district attorney of San Francisco, even though he hasn't set foot in a courtroom in over twenty years. My partners are thrilled. They have never complained about his arrogance, sloppy work and condescending attitude. Hell, the same could be said about most of my partners. What they can't live with is his six-hundred-thousand-dollar draw. He has been living off his father's reputation for years. That's why all the power partners are here. They want to give him a big send-off. More important, they want to be sure he doesn't change his mind.

The temperature is about ninety degrees, and it smells more like a locker room than a law firm. I nod to the mayor, shake hands with two of my former colleagues from the San Francisco Public Defender's Office, and carefully avoid eye contact with Skipper, who is working the room. I overhear him say the DA's office is his first step toward becoming attorney general and, ultimately, governor.

In your dreams, Skipper.

I'm trying to get to our reception desk to pick up a settlement agreement. Ordinarily, such a document would be delivered by one of our many in-house messengers. Tonight, I'm on my own because the kids who work in our mailroom aren't allowed to come to the front desk when the VPs are around. I sample skewered shrimp provided by a tuxedoed waiter and elbow my way to the desk where four evening-shift receptionists operate telephone consoles with more buttons than a 747. I lean over the polished counter and politely ask Cindi Harris if she has an envelope for me.

"Let me look, Mr. Daley," she says. She's a twenty-two year-old part-time art student from Modesto with long black hair, a prim nose and a radiant smile. She has confided to me that she would like to become an artist, a stock-car driver or the wife of a rich attorney. I have it on good authority that a couple of my partners have already taken her out for a test drive.

A few years ago, our executive committee hired a consultant to spruce up our image. It's hard to believe, but many people seem to perceive our firm as stuffy. For two hundred thousand dollars, our consultant expressed concern that our middle-aged receptionists didn't look "perky" enough to convey the appropriate image of a law firm of our stature. In addition, he was mortified that we had two receptionists who were members of the male gender.

At a meeting that everyone adamantly denies ever took place, our executive committee concluded that our clients—the white, middle-aged men who run the banks, insurance companies, defense contractors and conglomerates that we represent—would be more comfortable if our receptionists were younger, female, attractive, and, above all, perkier. As a result, our middle-aged female and male receptionists were reassigned to less-visible duties. We hired Cindi because she fit the profile recommended by our consultant. Although she's incapable of taking a phone message, she looks like Victoria's Secret model. S&G isn't a hotbed of progressive thinking.

Don't get me wrong. As a divorced forty-five-year-old, I have nothing against attractive young women. I do have a problem when a firm adopts a policy of reassigning older women and men to less visible positions just because they aren't attractive enough. For one thing, it's illegal. For another, it's wrong. That's another reason I got fired. Getting a reputation as the "house liberal" at S&G isn't great for your career.

Cindi's search turns up empty. "I'm sorry, Mr. Daley," she says, batting her eyes. She flashes an uncomfortable smile and looks like she's afraid I may yell at her. While such wariness is generally advisable at S&G, it shows she doesn't know me very well. Jimmy Carter was in the White House the last time I yelled at anybody. "Let me look again."

I spy a manila envelope with my name on it sitting in front of her. "I think that may be it."

Big smile. "Oh, good."

~~Success. I take the envelope. "By the way, have you seen my secretary?"~~

Deer in the headlights. "What's her name again?"

"Doris."

"Ah, yes." Long pause. "Doooooris." Longer pause. "What does she look like?"

I opt for the path of least resistance. "I'll find her, Cindi." I start to walk away, but she stops me.

"Mr. Daley, are you really leaving? I mean, well, you're one of the nice guys. I mean, for a lawyer. I thought partners never leave."

*Cindi, I'm leaving because I have more in common with the kids who push the mail carts than I do with my partners. I was fired because my piddly book of business isn't big enough.*

I summon my best sincere face, look her right in her puppy eyes and pretend that I'm pouring out my heart. "I've been here for five years. I'm getting too old for a big firm. I've decided to try it on my own. Besides, I want more time for Grace."

My ex-wife has custody of our six-year-old daughter, but we get along pretty well, and Grace stays with me every other weekend.

Her eyes get larger. "Somebody said you might go back to the public defender's office."

I worked as a San Francisco PD for seven years before I joined S&G. The *State Bar Journal* once proclaimed I was the best PD in Northern California. Before I went to law school, I was a priest for three years. "Actually, I'm going to share office space with another attorney." Without an ounce of conviction, I add, "It'll be fun." I leave out the fact I'm subleasing from my ex-wife.

"Good luck, Mr. Daley."

"Thanks, Cindi." It's a little scary when you talk to people at work in the same tone you use with your first-grade daughter. It's even scarier to think that I'll probably miss Cindi more than I'll miss any of my partners. Then again, she didn't fire me.

I know one thing for certain. I'll sure miss the regular paychecks.

\* \* \*

I push my way toward the conference room in search of Doris when I'm confronted by the six-foot-six-inch frame of Skipper Gates, who flashes the plastic three-million-dollar smile that graces fading campaign posters nailed to power poles across the city. He is inhaling a glass of wine. "Michael," he slurs, "so good to see you."

I don't want to deal with this right now.

At fifty-eight, his tanned face is chiseled granite, with a Roman nose, high forehead and graceful mane of silver hair. His charcoal-gray double-breasted Brioni suit, Egyptian cotton white shirt and striped tie add dignity to his rugged features. He looks like he is ready to assume his rightful place on Mount Rushmore next to George Washington.

As an attorney, he's careless, lazy and unimaginative. As a human being, he's greedy, condescending and an unapologetic philanderer. As a politician, however, he's the real deal. Even when he's half tanked and there's a piece of shrimp hanging from his chin, he exudes charisma, wealth and, above all, style. It's some sort of birthright of those born into privilege. As one of four children of a San Francisco cop, privilege is something I know little about.

He squeezes my hand and pulls me uncomfortably close. "I can't believe you're leaving," he says. His baritone has the affected quality of a man who spent his youth in boarding schools and his adulthood in country clubs. As he shouts into my ear, his breath confirms he could launch his forty-foot sailboat with the chardonnay he's consumed tonight.

His speech is touching. It's also complete crap. Instinctively, I begin evasive maneuvers. I pour a little too hard on his back and dislodge the shrimp from his chin. "Who knows, Skipper? Maybe we'll get to work on a case together."

He tilts his head back and laughs too loudly. "You bet."

~~I can't resist a quick tweak. "Skipper, you *are* going to try cases, right?"~~

District attorneys in big cities are political, ceremonial and administrative lawyers. They don't go to court. The assistant DAs try cases. If the ADA wins, the DA takes credit. If the ADA loses, the DA deflects blame. The San Francisco DA has tried only a handful of cases since the fifties.

He turns up the voltage. Like many politicians, he can speak and grin simultaneously. He hides behind the cocoon of his favorite sound bite. "Skipper Gates's administration is going to be different. The DA is a law enforcement officer, not a social worker. Skipper Gates is going to try cases. Skipper Gates is going to put the bad guys away."

And Mike Daley thinks you sound like a pompous ass.

He sees the mayor and staggers away. I wish you smooth sailing, Skipper. The political waters in the city tend to be choppy, even for well-connected operators like you. Things may be different when your daddy's name isn't on the door.

\* \* \*

A moment later, I find my secretary, Doris Fontaine, standing outside our power conference room, or "PCR." Doris is a dignified fifty six-year-old with serious blue eyes, carefully coiffed gray hair and the quiet confidence of a consummate professional. If she had been born twenty years later she would have gone to law school and become a partner here.

"Thanks for everything, Doris," I say. "I'll miss you."

"I'll never get another one like you, Mikey."

I hate it when she calls me Mikey. She absentmindedly fingers the reading glasses hanging from a gold chain. She reminds me of Sister Eunice, my kindergarten teacher at St. Peter's. She looks at the chaos in the PCR through the glass door and shakes her head.

The PCR houses an eighty-foot rosewood table with a marble top, matching credenza and fifty chairs, a closed-circuit TV system connecting our eighteen offices and a museum-quality collection of Currier and Ives lithographs. Six presidents, eight governors and countless local politicians have solicited campaign funds in this very room. Thirty expandable aluminum racks holding hundreds of carefully labeled manila folders containing legal documents cover the table. The room is littered with paper, coffee cups, half-eaten sandwiches, legal pads, laptops and cell phones. It looks like mission control before a space shuttle launch. The grim faces of the fifty people in the PCR are in contrast to the forced smiles at Skipper's party outside. Nobody is admiring the lithographs.

"How is Bob's deal going?" I ask.

"Not so well," Doris says.

Ever the diplomat. She's worked for Bob Holmes, the head of our corporate department, for about twenty years. In every law firm, there's one individual with a huge book of business and an even bigger ego whose sole purpose is to make everyone miserable. Bob is our nine-hundred-pound gorilla. His eight-million-dollar book of business lets him do whatever he wants. For the most part, he's content to sit on our executive committee, torture his associates, and whine. Last year he took home two million three hundred thousand. Not bad for a short kid from the wrong side of the tracks in Wilkes-Barre. Although my partners find it difficult to agree on anything, they're willing to acknowledge that Bob is a flaming asshole.

Whenever a big deal is coming down at S&G, the PCR is the stage, and Bob plays the lead. At the moment, he's screaming into a cell phone. He hasn't slept in three days, and it shows. He's in his late forties, but with his five-seven frame holding 230 pounds, his puffy red face and jowls make him look at least sixty. Although some of us remember when his hair was gray, it's now dyed an unnatural shade of orange-brown that he combs over an expanding bald spot. On his best days, he storms through our office with a pained expression suggesting a perpetual case of hemorrhoids. Tonight the

grimace is even more pronounced.

I share Doris with Bob and a first-year associate named Donna Andrews, who spends her waking hours preparing memoranda on esoteric legal issues. It may seem odd that a heavy hitter like Bob has to share a secretary. However, by executive committee fiat, every attorney (including immortals) must share a secretary with two others. This means Bob gets ninety-nine percent of Doris's time, I get one percent and Donna gets nothing. From the firm's perspective, this allocation is entirely appropriate. Bob runs the firm, I'm on my way out the door and Donna is irrelevant.

I ask Doris if she can take the day off tomorrow.

"Doesn't look good. I was hoping for some time with Jenny." She's a single mom. Never been married. Her daughter is a senior at Stanford.

"I saw her earlier today. Sounded like she had a cold."

"You know how it is. Spend your whole life worrying about your kids."

I know. "Any chance you got my bills out?" Ordinarily, I don't sweat administrative details like bills and timesheets. However, if my bills are late, the firm will withhold my paycheck. It's our only absolute rule. No bills—no paycheck—no exceptions. Doris has long been convinced that my lackadaisical attitude would do irreparable harm to S&G's finely tuned money machine.

"I got them into the last mail run," she says.

Relief. "You're still the best. Are you sure you won't come work for me?"

"You can't afford me, Mikey."

The door to the PCR opens and a blast of stale air hits me. Joel Friedman, a harried corporate associate, steps outside. His collar is unbuttoned and the bags under his eyes extend halfway down his cheeks. "Doris, are you going to be here for a while?"

"Just for a few more minutes."

Joel is sort of a Jewish Ward Cleaver. He's an excellent attorney with a terrific wife and twin six-year-old boys. He's thirty-eight, a trim five-nine. His father is the rabbi at Temple Beth Sholom in the Richmond District. Joel left the yeshiva after two years and went to my alma mater, UC-Berkeley Boalt Law School. He graduated second in his class and joined S&G seven years ago. His brown hair is graying, the bald spot he tries to hide is getting larger and his tortoiseshell glasses give him a rabbinical look which, in the circumstances, is entirely appropriate. In Yiddish, he would be described as a mensch, which means an honorable man. He's also my best friend.

"Is your deal going to close?" I ask.

He's up for partner this year. If his deal closes, he's a shoo-in. He modestly describes his job as thanklessly walking behind Bob Holmes and sweeping up the debris. In reality, he does all the work and Bob takes the credit. Frankly, he's the last line of defense between Bob and our malpractice carrier.

"It's fucked up," he says. Like many attorneys, he holds the misguided belief that he's more convincing if he peppers his speech with four-letter words. Very unbecoming for the rabbi's son. He nods at our client, Vince Russo, an oily man about Joel's age who has jammed his Jabba-the-Hutt torso into a chair next to Holmes. "The closing depends on Vince. He's selling his father's business but he's having second thoughts. He thinks he can get a higher price if he can find another buyer."

I've never had the pleasure of meeting Russo. From what I've read, he's run his father's real estate conglomerate into the ground. "Why doesn't he pull out?"

"His creditors will force him into bankruptcy. They aren't going to wait another year or two."

I gaze at the frenzy in the PCR. "Looks like you could use some help."

"As usual, I'm not getting much." He glances at Diana Kennedy, a glamorous twenty-nine-year-old associate with deep blue eyes, stylish blond hair and a figure that reflects a lot of time at the gym. She's a rising star. "Things might go a little faster if Diana would focus a little more on work."

Doris looks away. If you believe the firm's gossip mongers, Bob Holmes and Diana Kennedy have been sleeping together for the last year or so. I don't know for sure.

Joel shakes his head. "To top everything off, Beth showed up an hour ago and served Bob with divorce papers."

I can't help myself and I grin. Beth is Bob's soon-to-be-fourth ex-wife. It's twisted, but I silently rejoice at his latest marital failure. I'm sorry I won't be around to witness the fallout. His last divorce was spectacular.

Instinctively, Doris comes to Bob's defense. "She could have waited."

It's funny. Bob has been treating Doris like dirt for twenty years. They fight like cats and dogs all day, yet she's always the first to defend him. I change the subject. "Why doesn't Bob get Russo to take his chances in bankruptcy?"

Joel's eyes twinkle. "Because we won't get paid. Do you know how much Russo owes us?"

"A million bucks?"

"Try fifteen million."

I'm stunned.

His grin widens. "If you're going to start your own firm, you should learn a little about the financial stuff. We're doing this deal for a contingency fee. We get paid only if it closes. It's in the escrow instructions. We get twelve million at the closing."

"I thought you said he owes us fifteen."

"He does."

"But you said we're getting only twelve."

"We are."

"Who gets the other three?"

"Guess."

"I don't know."

Doris answers for him. "Bob does."

What the hell? "No way. He can't siphon off a three-million-dollar personal gratuity. It's against firm policy. The fees belong to the firm. Some of that money belongs to *me*."

Joel chuckles. "It's been approved by the executive committee. That's why Bob will pull every string to get this deal to close."

As he says the word "close," I see Russo's face turning bright crimson.

"Stand back," Joel says. "Mount Russo is about to erupt."

Russo clumsily squeezes out of his chair and storms toward us. He slams his three-hundred-pound frame against the glass door. When he's halfway out, he turns around and faces the roomful of apprehensive eyes. "Another forty million? How am I supposed to afford another forty million? What do I pay you lawyers?"

The party outside goes silent. Skipper looks mortified. Russo waddles down the hall.

I look at Doris. "What was that all about?"

She shrugs and says she has to go back to work.

Joel winks. "It seems there's been a modest reduction in the purchase price. It's such a pleasure working with our highly sophisticated, state-of-the-art corporate clients." He arches an eyebrow. "I think we could use a glass of wine."

## “WE MAY HAVE A LITTLE PROBLEM WITH THE CLOSING”

*“People think being administrative partner is a boring, thankless job. I disagree. The administrative partner is the glue that holds the firm together as an institution.”*

— Simpson and Gates administrative partner Charles Stern  
Welcoming remarks to new attorneys.

A few minutes later, I’m sitting in a sterile conference room on the forty-fifth floor, where managing partner, Charles Stern, has called a meeting of our associates. For the last ten years, Charles has held the boring, thankless job of serving as our administrative partner, a position for which he is uniquely suited. A terminally morose tax attorney, his unnaturally pasty complexion, pronounced widow’s peak, and emaciated physique make him look considerably older than fifty-five. He views the Internal Revenue Code as akin to the Bible. He always refers to it as the Good Book. Likewise, he calls the 1986 Tax Act the Satanic Verses, because it took away many of his favorite tax-avoidance schemes. At S&G, we call what he does creative tax planning. Out there in the real world, most people would say he helps his clients engage in varying degrees of tax fraud.

In addition to his modest tax practice, he devotes most of his time to serving on virtually every firm committee, thereby bringing order to the chaos that would ensue without his steady hand. He has also appointed himself the financial conscience of the firm, and reviews each and every expense report before any of our hard-earned cash goes out the door. He handles personnel matters and insists on being present when anyone is fired. He seems to take particular pleasure in this aspect of his job. He is known as the Grim Reaper.

Except for light reading of the *Daily Tax Report*, the only joy in his life seems to be the production of an endless stream of e-mails on every imaginable administrative subject, and some that are unimaginable. My life would be a hollow, empty shell without at least one missive every day about procedures, timesheets and expense reimbursements.

He insists that everyone call him Charles. Not Charlie. Not Chuck. Charles. An unseemly hazing ritual takes place every year when Bob Holmes sends an unsuspecting new associate to visit “Charlie.” Last year, I had to intervene to prevent Stern from firing an associate on her third day.

A couple of years ago, in a meeting with the associates, my mouth shifted into gear while my brain was still idling, and I sarcastically dubbed him Chuckles. Naturally, everyone now refers to him by that name.

I have been invited because I have served as the liaison partner for five years, and Chuckles wants to make a presentation to our associates. As liaison partner, I have had the joyous task of addressing the concerns of our associates. It’s the second-most-thankless job at the firm, behind administrative partner. The title of liaison partner goes to the most junior partner who doesn’t have the practice or the balls to say no. If there’s a shoe with dog crap on it, I always seem to be wearing it.

Everybody hates the liaison partner. The associates hate me because they think I’m a toady for the partners. They’re right. The partners hate me because starting salaries are more than a hundred and sixty thousand dollars. Nice piece of change for a kid right out of law school. It isn’t their fault that they’re being overpaid. In fairness to yours truly, I didn’t create this problem. Our salaries are exactly the same as every other big firm in town. The managing partners get together every year to decide how

much money the new attorneys will make. In other industries, this would be called price-fixing. isn't fair to blame me because the managing partners have had a collective brain cramp for the last ten years and decided to grossly overpay baby lawyers. Nobody said life is fair.

Our offices are hooked up by conference telephone call, so this meeting is a bad sign. Good news is communicated by closed-circuit TV. The lack of refreshments is even more ominous. We're incapable of holding a meeting without sodas, bottled water, cheese, crackers and fruit. On extraordinarily festive occasions, we get cookies.

Of the hundred associates, only five are women and just one is black. Although Chuckles doesn't know it, the African-American associate has accepted a job at another firm, and will give notice after he gets his bonus tomorrow. The seating is always the same. Chuckles sits at one end of the table and everybody else (including me) sits as far away from him as possible. He looks sad and lonely at the other end of the table. Joel slides into the seat to my immediate right.

Chuckles clears his throat. "May I have your attention, please?" He's wearing his gray Men's Warehouse suit, and his blue polka dot tie has a stranglehold around his neck. The room becomes silent. He glances uncomfortably over the top of his reading glasses. He looks my way and his thin lips contort to form a pained expression that suggests he's trying to smile. He takes off his reading glasses with uncharacteristic animation. "Before we start, I want to thank Mike Daley for his hard work on associate issues."

Relief, followed by acute embarrassment.

Chuckles is looking at me. "As you know, Mike's last day is tomorrow. On behalf of everybody in this room, I want to wish him the very best."

My face is red and my neck is burning. I nod as the associates dutifully pat their hands together in quiet applause.

Chuckles puts his reading glasses back on. His eyes never leave his legal pad. "The partners asked me to update you on certain issues considered by the executive committee. After discussion with our consultant, we have made some important decisions. I want to assure you we have reviewed these issues very carefully, and acted fairly and in the best interests of the firm as an institution."

I love it when he refers to the firm as an institution. I've placed a legal pad between Joel and me. I jot a note that says, "Hold on to your wallet."

Stern's eyes are glued to his notes. "Effective immediately, associates will be considered for election to the partnership after eight and a half years at the firm, instead of seven years, as is current policy." He looks up for a fraction of a second to see if an insurrection is brewing.

Joel writes "BS" on the pad and interrupts him. "Excuse me, Charles. May we assume that those of us who are up for partner this year will be grandfathered in under the old rules?"

Chuckles closes the small lizard-like slits he uses for eyes. He takes off his glasses. "Did Bob talk to you?"

"No."

Chuckles twirls the glasses. The telltale "oh shit" expression. "Joel, let's talk about this after the meeting."

It's fun to watch Chuckles tap-dance.

Joel's eyes light up. "Let's talk about it now. Am I up for partner or not?"

Chuckles sighs. "You're not. And Bob was supposed to talk to you."

Chuckles usually doesn't have to face the music from the associates.

Joel isn't backing off. "Well, he didn't. This stinks. We *will* talk after the meeting. Before we do, maybe you should explain why the associates shouldn't have their resumes out on the street tomorrow morning."

We've always had great finesse with these touchy-feely human-relations issues.

On go the glasses. Chuckles finds his place and continues reading. "In addition, the firm will now be in a position to pay associate bonuses this year."

There's an audible gasp. The more-senior associates are expecting bonuses in excess of three thousand dollars.

Chuckles is astute enough to realize he's in trouble. He makes the correct move and returns to the script. "I want to assure you these decisions were made after careful deliberation and represent the unanimous view of the executive committee as to what is fair and what constitutes the best interests of the firm as an institution."

At times like this, I've tried to defuse the tension with a wisecrack. Tonight, Chuckles is working without a net. I write another note to Joel. "Now, the explanation."

"By way of explanation," Chuckles continues, "the partners wanted me to make it clear that the decisions were not made for economic reasons. The financial health of the firm is excellent."

Bad move. If we're doing so great, it means the partners have decided to keep more money for themselves. I don't necessarily have a problem with this because it means my last draw check will be a little bigger. On the other hand, if we aren't doing great, he's lying. Either way, the associates are getting screwed. And they know it.

Chuckles drones on. "With respect to the partnership track, we have decided it would be beneficial to give each associate additional time to work with as many partners as possible."

It's not like we're just pulling up the ladder.

"With respect to bonuses, we have expended substantial sums to upgrade our computers, a decision made in response to concerns expressed by our younger attorneys. We believe it is in the firm's long-term financial interests to pay for our new equipment as soon as possible. We realize this may not be the most popular decision, but we believe the computer enhancement is in the best interests of the firm as an institution."

Especially if the associates pay for it.

The associates turn toward Joel, who has been their spokesman for the last few years. He glares at Chuckles and keeps his tone even. "You realize, Charles, that what you just said is complete and utter bullshit?" Without waiting for a response, he pushes his chair back and calmly walks out of the room.

Chuckles senses that the mood isn't good. He gathers his notes and practically sprints from the room. The meeting lasted less than five minutes.

\* \* \*

When I return to my office, the gruff voice of Arthur Patton, our managing partner and chairman of the three-man star chamber we call our executive committee, summons me from my voicemail. "Michael, Arthur Patton. Come to the executive conference room ASAP."

It would never occur to him that I may not be available. I walk downstairs to our "executive conference room" on the forty-sixth floor in an office that once belonged to Skipper's father. When he died, Skipper laid claim to the office by birthright. Bob Holmes said he was entitled to it because he had the biggest book of business. Arthur Patton said he should get it just because he's Patton. After three weeks of backbiting, Chuckles Stern implemented what is now known as the "Greasy Compromise," and the office was converted into a conference room. My suggestion of a "one-potato-two-potato" marathon was dismissed.

The room has a marble conference table, ten black leather chairs and a view of the Golden Gate Bridge. Portraits of our founding partners hang on the west wall, and portraits of our current X-Com partners, Patton, Chuckles and Holmes—hang on the east wall. Patton and Chuckles are glum as they sit beneath the smiling pictures of themselves. Mercifully, Holmes is nowhere to be found. The usual assortment of cheese and fruit is on a silver platter.

On December 30th of each year, X-Com meets to give themselves a collective pat on the back.



and to determine “the Estimate,” which is their best guess of firm profits for the year. More important, they allocate each partner’s percentage interest in the profits of the firm, or “points,” for the upcoming year. The Estimate will be announced with great ceremony at a partners’ meeting at eight o’clock tomorrow morning. I’ve always thought we could streamline the process by putting a tote board in our reception area. This suggestion has not been well received over the years. At the meeting, each partner will receive a check and a memo indicating his points. Theoretically, everybody will begin the new year in a good mood. Unless you’re like me, and your points have been reduced in each of the last few years.

I’m not sure why I’ve been summoned on the night of all nights. I’m pretty sure they can’t find me again. I take a seat beneath the portraits of Leland Simpson and Skipper’s dad. I feel like I’m surrounded.

“We wanted to discuss your departure,” Patton says.

Uh-oh.

Patton’s bald head, Nixon-like jowls and Brezhnev-like eyebrows overwhelm the rest of his thin face. His red suspenders strain to hold his ample gut. At sixty-two, his gravel baritone is commanding but its forcefulness has been tempered by forty years of cigars and single-malt scotch. At times, he’s capable of playing the role of the genial grandfather. Last year, he was Santa at our Christmas party. The next day, he fired his secretary because there was one typo in an eighty page brief. That’s part of his charm. You never know if you’ll get the puppy or the pit bull.

In law-firm-lingo, he handles complex civil litigation. I’ve never met a lawyer who admits he handles litigation that’s anything less than “complex.” In reality, he represents defense contractors who get sued when their bombers don’t fly. To Art, every case is a holy war of attrition where he showers the other side with paper. Fortunately, his clients have the resources to wear down their opponents. He responds to every letter with his own version that rearranges the facts in his favor. He follows up every phone call with a letter that bears only passing resemblance to the matters that were discussed. Around the firm, he’s known as the Smiling Assassin.

He stares over my right shoulder and begins with the grandfatherly tone. “I know we have had our disagreements, but I would like to think we can work things out and remain friends.”

As if. I look right through him and remain silent. Let him talk. Don’t react.

His condescending smirk makes its first appearance. “Here is our proposal. If anyone asks, we will portray your departure as voluntary. You will agree not to say anything bad about us. We will return your capital contribution tomorrow.”

When you’re elected to the partnership, you have to make a capital contribution. The amount is based upon the number of your points. Baby partners like me contribute ninety grand. Power partners like Patton pony up a half a million bucks.

“That’s it?” I ask.

“That’s it. Except for one thing. As a matter of good practice, we need you to sign a full release of the firm. We ask all departing partners. Just housekeeping.”

Keep the tone measured. “Let me see if I have this straight. I won’t piss on you, and you won’t piss on me. That’s fair. And that’s the way it will work because we’re smart enough not to say nasty things about each other. San Francisco is a small town. And you will pay me back my capital.”

“Yes.”

“Good. Because our partnership agreement says you have to pay me back whether or not I agree to say nice things about you, and even if I don’t sign your release. I have no intention of suing you, but if I change my mind, I don’t want you waving a release in my face.”

Gotcha. If I were in his shoes, I’d ask for the release. If he were in mine, he’d say no. I’m glad Joel showed me the section in our partnership agreement that says they have to return my capital.

He shifts to the half grin. “We figured you might say that. We are therefore prepared to make one-time offer of twenty thousand dollars for your cooperation. Take it or leave it.”

Visions of paying off my Visa bill and a year of rent dance in my head. “Not enough. Make it hundred and we may have something to talk about.”

Chuckles shakes his head. “Too much, Mike. No can do.”

Patton trots out his “mad dog” persona for a preemptive strike. His act loses some of its impact when you’ve seen it as many times as I have. “If it had been up to me, I would have thrown your sorry ass out of here at least two years ago.”

For an instant, I think Leland Simpson’s picture is going to spring to life. “Yeah,” he’d say, “I would have thrown your sorry ass out of here at least *three* years ago. Hell, I never would have hired you in the first place.”

Patton isn’t finished. “Use your head for once and take the money.”

I place my fingertips together in my best Mother Teresa imitation. “Arthur, if you’re going to lose your temper, you’re going to have to go to your office and take a time-out.” I’ve been waiting five years to say that to him. I head toward the door. As I’m about to leave the room, I turn and face them. “Gentlemen, I’ll see you in the morning. I wouldn’t want to miss the reading of the Estimate.”

\* \* \*

When I arrive at the office at seven the next morning, I have voicemail messages from five associates who are furious about the decision on bonuses. Three ask me to be a reference. As always the first person I see is Anna Sharansky, a Soviet refugee who begins every day by brewing enough Peet’s coffee to fill the sixty coffeepots placed around the firm. S&G spends over a quarter of a million bucks a year on coffee. We exchange pleasantries. She never complains. I’ll miss her.

At seven-forty-five, I walk to a utilitarian conference room on the forty-sixth floor to get a seat for the reading of the Estimate. The ceremony usually takes place in the PCR. We’re downstairs because Bob Holmes won’t move the documents for Russo’s deal. It smells like a French pastry shop. Croissants, muffins, scones and fruit are lined up in neat rows on silver platters. Anna has filled the coffeepots and set out the bone china bearing the S&G logo. In the center of the table sit nine envelopes, each bearing a partner’s name. They look like seating assignments at a wedding.

By 7:55, the room is full. I pour myself a cup of coffee and take a croissant with the sterling silver tongs. The blue sky frames the Golden Gate Bridge. Let the exercises begin.

Patton always wears his tuxedo to the reading of the Estimate. He seems to think this lends a festive mood to the occasion. I think he looks like a maître d’. At precisely eight o’clock, he makes his grand entrance, his face glowing. For fifteen minutes a year, we’re everything described in our recruiting brochure: a big, collegial family of highly trained professionals who admire, respect and trust one another.

He beams at the head of the table. “Thank you for coming at this early hour. I know how hard it is for some of you to get here when you’ve been out partying all night.” Forced laughter. “I want to get Bob Holmes down here to report on Vince Russo’s deal. We will start in a few minutes.”

He asks Chuckles to find Bob. Chuckles seems pleased he won’t have a speaking role today, and he darts out. The sound of clinking china resumes. Several partners take calls on their cell phones. I focus on the envelope in the middle of the table with my name.

Ten minutes pass. Chuckles and Joel appear outside the glass door. Chuckles looks more gaunt than usual. Joel looks distraught.

Chuckles opens the door and speaks in a barely audible voice. “Art, can I see you outside for a minute?”

The room goes silent. Patton motions Chuckles in. Chuckles tries to convince him to step outside. After a moment’s hesitation, Chuckles comes in and whispers into Patton’s ear. Patton’s eyes gl

larger. I hear him mutter, "Geez."

~~Patton turns, strokes his jowls, and addresses nobody in particular. "It is my unhappy responsibility to make a sad announcement. Bob Holmes and Diana Kennedy were found dead in Bob's office a few minutes ago. I have no other information. The police have been called."~~

We sit in stunned silence.

"Obviously, we may have a little problem with the closing of the Russo deal. Any discussion of the firm's results for this year would be premature. I will provide further information later today. Meeting adjourned."

More silence.

After a moment, I hear Patton whisper to Chuckles, "He couldn't have killed himself. We're completely screwed. He had a fiduciary duty to us to close the deal"

Leave it to Art Patton to try to explain a man's death by citing a legal doctrine.

As always, Chuckles is more practical. He says to Patton, "I suspect Bob wasn't thinking about his fiduciary duties last night."

Without another word, we file out, pausing to pick up our envelopes.

## “HE KEPT A LOADED GUN AT HIS DESK”

*“The managing partner of Simpson and Gates has issued a statement reassuring the firm’s clients that the situation is completely under control.”*

— KCBS NEWS RADIO. 8:40 A.M. Wednesday, December

31.

By eight-thirty, the firm is in chaos. Every thirty seconds or so, a voice on the emergency intercom announces that there has been an incident and we shouldn’t use the elevators. Word spreads quickly, and people gather in the corridors.

My office is on the forty-seventh floor, between Joel’s small office and Bob’s palatial northwest corner. Joel is talking on the phone as I walk past his doorway. He’s trying to find Vince Russo. A policeman is unrolling yellow tape outside Bob’s office.

I walk into my office and sit down. The room is empty except for a few last boxes and my coffee cup with Grace’s picture on it. I listen to the sirens forty-seven floors below. It sounds as though every police car in the city is heading toward our building.

Doris comes in a moment later. “Is it true?”

“Yes. Patton said Bob and Diana are dead. Chuckles and Joel broke up the partners’ meeting. I don’t know any details.”

Tears well up in her eyes. “I can’t believe it.”

I give her a hug. She starts sobbing into my shoulder. “It’ll be all right,” I say feebly.

“It finally got to him. The divorce, the deal, the money. And Diana, too. Why Diana?”

“These things happen for a reason.” I realize this line from my religious training never rang very true. It was one of the reasons I left the priesthood. I had trouble saying the party line toward the end.

She wipes her eyes and sits down. I absentmindedly turn on my computer. It’s funny how you revert to habit. I have two e-mails. The second is from Patton, advising that there will be an emergency meeting at nine o’clock. The other is from Bob Holmes. It was sent at 1:20 this morning and I get chills.

“Look at this,” I say to Doris.

She comes around behind my desk and reads over my shoulder. Bob’s final words are concise. *“To everyone. I am sorry for the pain I have inflicted. I hope you will find it in your hearts to forgive me. I cannot go on. I wish you the best. Bob.”*

I read it again. “An e-mail suicide note. This is weird, even for Bob.” I get a sour feeling in my stomach. His body is still in the office next door.

My phone rings and I pick up. My mother is calling from home. “Mickey, I’m watching TV. They said somebody at your office got shot. Are you okay?”

“I’m fine, Mama.”

“Thank God. Did you know them?”

“Yeah, I knew them.”

“Mickey, be careful.”

“I will. I’ll call you back later, okay?”

I open the Channel 4 website and turn on the live feed. A reporter is standing in the plaza outside the California Street entrance to our building. She’s in front of the huge black polished-granite sculpture designed by Masayuki Nagare that the late Herb Caen, the immortal *San Francisco Chronicle* columnist, dubbed the Banker’s Heart.

“This is Rita Roberts. We are live in San Francisco, where police are reporting an incident at Simpson and Gates, the city’s largest law firm. Details are sketchy, but it appears that two Simpson and Gates attorneys have been killed by gunshots. Newly elected San Francisco District Attorney Prentice Gates III was a partner at the firm. Mr. Gates and the mayor were in the firm’s office last night. Moments ago, a spokesman told us that the mayor left the Simpson and Gates suite about nine o’clock last night and arrived at his office this morning at his usual time. We haven’t been able to confirm the whereabouts of Mr. Gates. Rita Roberts for NewsCenter 4.”

I’m turning down the sound when a young policeman knocks on my open door. “I’m Officer Chinn. We’re asking everyone to return to their desk.”

“We understand, Officer.” He walks down the hall.

Doris is offended.

“He’s just following procedure,” I tell her. “He’s supposed to secure the scene and wait for help. In reality he’s also supposed to separate us so we can’t compare stories. She heads out the door.

\* \* \*

My phone keeps ringing. My younger brother, Pete, a former San Francisco cop who works as a private investigator, gets through on the first try. “You okay, Mick? I heard it on the box.”

“I’m fine.”

“You talk to Ma?”

“Yeah. Told her I’m okay. Mind giving her a call? She’ll feel better if she hears from you.”

“No problem, Mick. Gotta go. I’m working.”

I pity the unfaithful husband he’s tailing. What he lacks in finesse he makes up for in tenacity.

\* \* \*

“Que pasa, Miguel? You all right?” My ex-wife, Rosita Carmela Fernandez, doesn’t speak Spanish, except to me.

“I’m fine, Rosie.”

Rosie grew up in the Hispanic enclave in the Mission District. Her dad was a carpenter. Her mother babysits Grace when Rosie’s in trial. Rosie was the first member of her family to go to college. She worked her way through San Francisco State and Hastings Law School. We used to work together at the PD’s office. We were married for about three years. We were a lot better at trying cases than we were at being married.

Her tone is businesslike. “I was worried my new tenant wasn’t going to move in.”

That was part of the problem when we were married. Among other things, Rosie is good at keeping track of money, I’m not. She’s organized. I’m flexible. It used to drive her nuts. We got along great until we got married. Then all of my faults came to light. After a couple of years of ceaseless sniping, we finally split up after Grace turned one. Once the divorce messiness was over, we started to get along a lot better.

“I’m moving in just the way we planned,” I say.

“Good man. I’ll call you later. *Adios.*”

Rosie, you’re the best ex-wife a man could have. Damn shame we couldn’t stand living together.

\* \* \*

Joel pokes his head in while I’m on the phone with my baby sister, Mary, a first-grade teacher in L.A. His hair is disheveled. His eyes are puffy. I motion for him to sit down. I say good-bye to Mary.

His voice is a hoarse whisper. “Long night, Mike.”

“I’ll bet. What can I say?”

“I’ve never seen a dead body before. Jews don’t do open caskets.” He tries to compose himself. “He practically blew the side of his head off.”

“Do you have any idea what happened?”

He holds up his hands. "We finished negotiations about nine. We gave the documents to the word processors. Diana and I went to Harrington's for a quick bite. She went home. I got back around eleven-fifteen. We finished signing papers by twelve-thirty. Everybody left. I went down to the lunchroom for a Coke. I read documents for two or three hours and I took a nap down there. I got up around six and went back to my office. I thought Bob had gone home. Next thing I knew, it was eight o'clock and Chuckles asked me for the keys to Bob's office. That's when we found them."

"Did Russo kill the deal?" I realize that my choice of words could have been more discreet.

"I don't know. I can't find him. Last time I saw him was when he signed the papers. He said he was going back to the Ritz. He stays there so he doesn't have to drive all the way down to his house in Hillsborough. He wasn't sure if he'd authorize the wire transfers to close the deal. He said he was going to sleep on it. He said he might have to go to his backup plan."

"What's that?"

"A flying leap off the Golden Gate Bridge. I called the hotel. They said he didn't sleep in his bed last night." He sighs. "I can't believe Bob killed himself, even if Vince decided to pull out. Bob's seen deals go south before."

"The police are going to want to talk to you. I'll drive you home when you're done."

"Thanks, Mike."

This is going to be tough on Joel.

\* \* \*

At five after nine, Arthur Patton is still wearing his tuxedo when he convenes an all-hands meeting in the reception area. Thankfully, somebody had the good judgment to turn off the lights on the Christmas tree. Patton speaks in an even tone. "As many of you are aware, Bob Holmes and Diana Kennedy were found dead in Bob's office this morning. The police have indicated they died of gunshot wounds. Bob's wounds may have been self-inflicted.

"This is Inspector Roosevelt Johnson of the SFPD, who is in charge of the investigation. I would ask each of you to assist the police. Our office is closed until Monday, and you are free to go home as soon as the police say you may do so."

Roosevelt Johnson was my father's first partner. Every time I see him, I think of my dad. I've known Roosevelt since I was a kid. He worked his way up the ranks and made homicide inspector. Diana stayed on the street. Although Roosevelt is in his early sixties, at six-four and 235 pounds, he still looks like he can play linebacker at Cal. His ebony skin, gray mustache, bald dome and gold wire-rimmed glasses command the attention of everyone in the room.

He speaks in an eloquent baritone. "Ladies and gentlemen, I promise to get you home as soon as possible. We need to obtain a statement from each of you. If you didn't see or hear anything, I would ask you to write a note to that effect and give it to one of our officers. I would appreciate it if you would return to your office or workstation. I must ask you not to discuss this matter with each other. Please stay away from Mr. Holmes's office while we gather evidence. I apologize for the inconvenience, and I thank you for your cooperation."

Doris raises her hand. "Inspector, can you give us any information about the circumstances surrounding Bob's and Diana's deaths?"

"It appears they were victims of gunshot wounds."

"Were they self-inflicted?"

"We don't know yet. A handgun was found at the scene. We will provide additional information as soon as possible."

\* \* \*

At ten o'clock, I'm on the phone when a subdued Chuckles walks into my office. I hold my thumb and forefinger a quarter of an inch apart, signaling I'll only be a minute. He sits down.

reassure my mother for the third time today and hang up.

~~Chuckles pushes out a sigh. "I haven't seen so much blood since I was in the service."~~

To Chuckles, the service usually means the IRS. I realize he's talking about the military. "You were in the army, Charles?"

"Marines. Vietnam. I've got a bum shoulder to show for it."

I never would have figured. Although it's entirely inappropriate, I imagine Chuckles and his platoon lobbing copies of the Internal Revenue Code toward the Vietcong. "I lost a brother over there near the end of the war."

"I didn't know. I'm sorry, Mike."

"Thank you." Tommy's death was one of the reasons I became a priest. My family was serious. Catholic. I was better at it than either of my brothers. Although the church had a lot of rules, it was truly spiritual place for me when I was growing up. The spirituality disappeared when I became a priest. I decide it isn't a great time to mention my participation in the antiwar protests in Berkeley.

Chuckles is more somber than usual. "I know we have other things on our minds, but I wanted let you know we decided to give you your capital back. We aren't going to insist that you sign release." He pulls a check out of his jacket pocket and hands it to me.

"Thanks, Charles. That's very decent of you."

"Sometimes you make decisions because it's the right thing to do."

And sometimes you fire your partners because they don't have enough business. I expect him to leave, but he doesn't. "You knew Bob for a long time. Do you have any idea what this is all about?"

"I don't know. We weren't close. I'm not sure he had any close friends."

The same could be said about you, Chuckles.

He keeps talking. "Art knew him the best. They used to talk about stocks. They invested in a restaurant together. That fancy place in Palo Alto. Bob called it his private black hole for money. Bob and I just used to talk about firm business. He was having his biggest year ever. I can't believe he kill himself the night before the deal was going to close. Confidentially, he was going to get a big bonus today."

I feign surprise. "I didn't realize that, Charles."

"That's why it doesn't make sense. You know Bob. Or knew him, I guess. He'd never turn down a check. Maybe it was the divorce." He pauses. "You heard he used his own gun."

"He brought a gun to the office?"

"He *kept* it at the office, Mike. At his desk. I thought everyone knew."

Not everyone. "Loaded?"

"Yep."

"What for?"

"You were here when that lunatic killed all those people at 101 California."

In July of 1993, a crazed former client walked into the offices of a prominent San Francisco law firm and opened fire with an arsenal of semiautomatic weapons. He killed eight people and wounded a dozen others before he killed himself. The firm closed its doors two years later. "I knew some people over there," I tell him. "Good lawyers. Nice people."

"Yup. Every firm has a security system. We spent a quarter of a million on ours. Each receptionist has a panic button. If they see trouble, they punch it. The doors lock and a light goes on for personnel and at the security desk. Thank goodness we've never had to use it."

"Brave new world."

"No kidding. After the incident at 101 Cal, Bob said he wasn't going to let the same thing happen to him. He kept a loaded gun at his desk. He didn't make a big deal about it. We'd like to try to keep it out of the papers if we can."

“Not a bad idea.” What’s next? Metal detectors? I can see the headlines. “*Prominent San Francisco Attorney Kills Himself with Loaded Piece He Kept at His Desk.*”

Chuckles shakes his head. “Now we have a big problem. We were counting on the fees from the Russo deal to make our year-end numbers. Art’s beside himself. I think he may retire and move to Napa fulltime. I’m thinking about getting out, too. I don’t know if the firm can survive.”

There’s the Chuckles I know and love. Two hours after he finds his partner’s body, he’s already worried about his draw.

\* \* \*

Doris is back in my office at ten-fifteen. “Those police inspectors are really pushy. They treat me like a criminal.”

“I did my five minutes with Officer Chinn. He was okay.”

“Maybe to you. The cop I talked to acted like I was a murder suspect.”

“I know this is tough. They’re just doing their job.”

“They were rude. And they asked a lot of questions about Diana’s personal life.”

“Like what?”

“Like whether she was sleeping with Bob.”

“Was she?” I’ve always wondered.

“It’s none of your business. And it sure as hell is none of theirs.”

“Doris, this is tough on all of us. Give yourself a little space.”

She starts to cry. I get up and put my arm around her. “It’s such a waste,” she says.



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