

NEW YORK TIMES BESTSELLING AUTHOR

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SPECIAL CIRCUMSTANCES

A Mike Daley/Rosie Fernandez Novel

Special Circumstances by Sheldon Siegel

A NOVEL BY

Sheldon Siegel

Chapter 1

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 nine hundred attorneys in eighteen offices on four continents, Simpson and Gates is recognized as an international leader in the legal profession.”

—simpson AND gates ATTORNEY RECRUITING BROCHURE.

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

robert holmes jr.” CHAIRMAN, simpson AND gates CORPORATE DEPARTMENT. welcoming REMARKS TO NEW ATTORNEYS.

For the last twenty years or so, 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 320 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. A reception desk that is longer than a city 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 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 tired-looking 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 four-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 importantly, 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 brought to me 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 VIPs 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 that have 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 replies. 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 a hundred thousand dollars, our consultant expressed concern that our middle-aged receptionists did not 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 a model for Victoria's Secret. S&G isn't known as 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 thing, 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," she says.

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," she says.

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.

"It's okay, Cindi. I'll find her."

I start to walk away. She grabs my arm. I turn and look into her perplexed eyes.

"Mr. Daley," she says, "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 make believe I am 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 frown. 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 of voice you use with your first-grade daughter. It’s even scarier to think 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 begin to 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 that are still 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 out of solid rock, 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 must be some sort of birthright of those born into privilege. As one of four children of a San Francisco cop, privilege is something I know very 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 utter bullshit. Instinctively, I begin evasive maneuvers. I pound him a little too hard on his back and dislodge the shrimp from his chin.

“Who knows?” I say.

“Maybe we’ll get to work on a case together.”

He tilts his head back and laughs too loudly.

“You bet.” I go for the 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 protective cocoon of his favorite sound bite.

“Skipper Gates’s administration is going to be different,” he says.

“The DA is supposed to be 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, who is standing just 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,” she replies. I hate it when she calls me Mikey. She does it all the time. She absentmindedly fingers the reading glasses that hang from a small gold chain around her neck. She reminds me of Sister Eunice, my kindergarten teacher at St. Peter’s. She looks at the chaos in the PCR through the heavy 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 television 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 and cellular phones. It looks like mission control before a space shuttle launch. The grim faces of the fifty people scattered in small groups 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,” she replies. Doris. 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 else miserable. Bob is our resident nine-hundred-pound gorilla. His eight-million-dollar book of business lets him do pretty much 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 a 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 cellular 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 he’s battling a perpetual case of hemorrhoids.

Tonight the grimace is even more pronounced.

I share Doris with Bob and a first-year associate named Donna Williams, who spends all of her waking hours in our library 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.

"Doris, can you still take the day off tomorrow?" I ask.

She sighs.

"Doesn't look good. I was hoping I'd get some time with Jenny."

She's a single mom. Never been married. Her daughter is a senior at Stanford.

"I saw her earlier today," I say.

"Sounded like she had a cold."

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

Don't I know.

"Any chance you got my bills out?" Ordinarily, I don't sweat administrative details like bills and time sheets. However, if my bills don't go out on time, the firm will withhold my paycheck. It's our only absolute rule. No bills—no paycheck—no exceptions. You don't become the biggest law firm in California if you aren't careful about money. Doris has long been convinced 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-looking corporate associate, steps outside. His collar is unbuttoned and the bags under his eyes extend halfway down his cheeks.

"Doris," he says, "are you going to be here for a while?"

"Just for a few more minutes," she replies.

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 Shalom in the Richmond District. Joel left the yeshiva after two years and went to my alma mater, UC Berkeley's 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 all 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 in the direction of our client, Vince Russo, an oily-looking man about Joel's age who has jammed his Jabba the Hutt torso into the chair at the table next to Holmes.

"The closing depends on him," he says.

"He's supposed to be selling his father's business, but he's having second thoughts. He thinks he can get a higher price if he can line up another buyer."

I've never had the pleasure of meeting Russo. From what I've read, he's run his father's real-estate investment conglomerate into the ground.

"Why doesn't he pull out?" I ask.

"His creditors will force him into bankruptcy. He's jerked them around since his father died. They aren't going to wait around for 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 beautiful figure that reflects a lot of time at the gym. She's the only person in the room who looks presentable. She always does. She's a rising star.

"Things might go a little faster if Diana would focus a little more on work," he says.

Doris looks away. If you believe the firm's gossip mongers Bob Holmes and