

Chapter **TWO**

Jim Litke, M.D., Ph.D., and Valerie Taylor, M.S., Ph.D., were copresidents of the Union of Concerned Scientists. True to their organization, they looked concerned. Their brows were furrowed and pulled close together like caterpillars in a mating dance as they came through the door ahead of J. Thomas Stinson, managing director of the Food Policy Research Center. All three of them looked like they were about to bury their best friend. They found seats in Herman's small, one-window office.

Herman was feeling worse by the minute. His arrhythmia was escalating and he was becoming dizzy and light-headed, but he didn't want to reach into his briefcase for his pills for fear that he would appear weak. Nobody wanted to have a sick, weak

lawyer. Clients wanted their lawyer to be a meat eater. A carnivore. A killer. So Herman tried to fix a killer look on his tired, sagging *ponim*, projecting confidence on the eve of trial. Herman of Bavaria, sword raised, ready to lead his troops into the Valley of Death and come out driving a Cadillac.

"Things are looking very good . . . surprisingly good," he started to say. But a frog unexpectedly jumped up into his throat—so he more or less gargled this fantasy at them. He cleared his pipes and went on. "We should have the information we need to file our last discovery motions against the defense first thing tomorrow. My senior investigator, Roland Minton, is in San Francisco right now getting that data. He tells me it's going to prove devastating." A lie, but a necessary one. Never let a client sense concern. Client doubt is the wood rot of legal architecture.

"Oh . . ." Jim Litke of the Union of Concerned Scientists said. That one little word a packed suitcase of concern.

"Yes?" Herman smelled trouble. A lawyer had to know how to gauge his clients, how to sense the winds of discontent. Herman thought he had a gale blowing here. "You look troubled," he said, stating the obvious.

"Yes," Valerie Taylor, M.S., Ph.D., intoned gravely, glancing over at J. Thomas Stinson of the Food Policy Research Center. It was sort of a "Take it away, Tom," look. He was the designated talker.

"Yes . . . yes," Thomas said. "*Troubled* would pretty much capture it."

"How can I help?" Herman asked softly, trying to sound like a friendly priest in a confessional.

"You didn't tell us you were about to be disbarred in California." Thomas was injecting some attitude now—anger and frustration—mixing them into that ugly little declarative sentence.

"Lawyers with difficult cases often have review hearings before the Bar Association. To put it into a medical context, it's like

a hospital review where a doctor is being asked to describe a complicated procedure. It's . . . it's . . . well, it's very common in the law."

"We also understand that several of your old clients are currently suing you for malpractice," Thomas continued. "There's even stuff about it on the Internet."

"Uh . . . frequently, when you get an unfavorable result in court, an emotional client will question tactics. Again, the jury, as we like to say, is out. The Bar Review hasn't ruled on any of this yet."

"Tell him about the other," Valerie Taylor said, prompting the tall, thin Stinson.

Herman thought that for a guy who ran a food research center, J. Tom wasn't getting enough to eat. But like a shadow across a picket fence, that unnecessary rumination flitted on his dizzy thoughts without much effect. Herman suddenly reached inside his briefcase and took out the Warafin and Digoxin. He shook several pills randomly into his palm, threw them down his throat and dry swallowed, trying to appear lusty as he did it—Thor tossing back a pint of ale. Then he rubbed his eyes to clear his blurred vision.

"Dad?" Susan was looking at him with concern.

"It's okay, baby," he said, and smiled at his clients with about the same degree of humor found in a coroner's report.

"We also understand that you have some controversial cases already filed against various agencies of the federal government—far-fetched, conspiracy-type lawsuits," J. Thomas Stinson cross-examined.

"The Institute for Planetary Justice seeks to expose government malfeasance wherever it exists," Herman countered. "It's our specialty. However, I certainly wouldn't call the cases far-fetched." Jesus, he was feeling horrible. Herman wanted to let his head fall into his big, meaty hands. Catcher's mitts, they'd been called by his tormenters in high school. The fact that he was re-

calling forty-year-old teenage insults during this meeting was in itself mildly noteworthy. In high school Herman had been teased constantly and was the brunt of constant practical jokes. His locker had hosted more strange concoctions than a skid row garbage can. He could feel himself slipping into one of his old inferiority complexes. During times of stress he always ended up back in that mindset. Underneath it all he was still just “Herman the German,” a slow, fat, unpopular kid.

“We understand,” J. Thomas continued, “that you have sued the Department of the Air Force over alien research supposedly taking place at Area Fifty-one in central Nevada.”

“Yes . . . yes . . . that’s the truth,” Herman said. “We are in appellate review on that important piece of business. Why? Is there something about it that’s troubling you?” Herman could feel his heart now. It was beating so fast it was tickling the walls of his throat. He was going back into arterial fibrillation. *Shit!* He wished he could just lie down on the leather sofa in the office.

Susan was watching him like a hen with one chick, her beautiful features arranged into an expression of alarm. “Dad,” she said softly. “Dad, I think we need to . . .”

“I’m fine, Susie, just fine.” He looked at his clients and tried to salvage his case. He could sense a dismissal coming, but he needed these clients in order to go into court tomorrow. He couldn’t litigate a suit for damages without a client who had been irreparably damaged. He needed a plaintiff.

“Research on aliens?” J. Thomas said, pouring more than his fair share of disdain into those three words.

“Let me ask you a question . . .” Herman was having trouble focusing on J. Thomas Stinson because the room had just started spinning. The first signs of acid reflux were burning his esophagus, then acute nausea arrived like the last guest at a hanging. “Let me ask you how you would feel if, in fact, experiments on aliens *were* being done in the desert. Let’s say, for instance, that in nineteen forty-five an alien spacecraft *did* crash in New Mexico. Let’s

say our government captured some dead alien life-forms and transported them to Area Fifty-one, where for over fifty years they have spent billions, maybe even a trillion dollars in taxpayer money, conducting illegal experiments—building a huge, electronically secure science pod around the crashed spaceship, freezing the dead life forms, studying them. And, while this is happening—while our tax dollars are being used for this ill-conceived experiment, Social Security is going broke, many Americans are without health care, and high school reading scores are going to hell. Money that should have been spent on these important social functions was and is, instead, being diverted to do research on dead extra-terrestrials! You're damn right, I'm suing them!" All of this came out without much thought or effort. Herman had made this speech a hundred times at university fundraisers. It was one of his prepackaged sound bites.

"Aliens?" This was the first word of the meeting James Litke, M.D., Ph.D., said, but he hissed it at Herman like a curse. "So you don't even deny any of this?"

"Not only do I not deny it, I'm proud to be trying to expose this colossally wasteful research. I'm attempting to divert the staggering sums thrown away on that project into necessary and worthwhile social programs."

"Tell him about the other thing," Valerie prodded again. "The Rockefeller thing, for the love of God."

"We understand you've filed a RICO suit against the Rockefeller family, charging them with conspiracy in creating the Trilateral Commission."

"I'm afraid my father doesn't want to be grilled about his other cases," Susan said jumping in, trying to fend them off, concerned that her father was in an arrhythmic crisis, wanting to get these three assholes out of the office so she could take his pulse and find out.

"What is it you came here to tell me?" Herman asked, his voice sagging like a sack full of broken dreams.

"That you're fired. We no longer want you to represent us. We intend to find another attorney," J. Thomas Stinson replied.

"You can't fire me, sonny," Herman said, looking at the fifty-five-year-old man who was approximately his same age but looked ten years younger. "I came to *you*, remember? I told you about the butterflies. *I* solicited *you*. You didn't hire me, ergo, you can't fire me." He couldn't help it now; he was so dizzy, he had to put his elbows up on the desk and grab his shaggy head in both hands. He felt like he was about to vomit, and swallowed twice to keep the bile down.

"You're going to lose the case. From what we found out yesterday, you're a less than brilliant lawyer, and that's being kind," J. Thomas said. "We all agree this is an important case, but if you lose it you'll have established an important legal precedent that will be difficult to overcome later."

"Precedent? There's no precedent here! Stick to science, Jimmy boy, *I'll* do the legal stuff," Herman growled, suddenly seeing his high school locker, remembering the hateful gray metal rectangle and the fear he felt each time he opened it. Remembering the turd somebody had once put inside.

"Then there's the whole problem of your standing in the legal community," Valerie was saying. "What if the California Bar de-certifies you? If we're in the middle of this trial or on appeal, and you lose your license . . . what do we do then?" Valerie Taylor had snatched the ball, or maybe it was a planned hand off. Either way, she had the old pigskin wrapped up tight and was charging at him, knees high, going for extra yardage.

"To begin with, Dr. Taylor, my hearing is a year away, and I'm going to prevail. . . . It's a no-brainer. But even if I don't, some kind of writ of goddamnus on appeal would tie up the State Bar for two more years, and by then our butterfly case will be history." He held her gaze, then got up. "Excuse me for a minute." He lumbered out of the office hoping he could make it to the men's room, but he had to detour at Marty Castle's secretary.

“Excuse me, could I borrow your wastebasket for a moment, please?” he asked.

She glanced up, wrinkled her Barbie-like features, and handed Herman the round plastic container.

Herman, still teetering from dizziness, promptly vomited into her wastebasket. “Thank you.” With as much dignity as he could manage he set it down. “Got a bad Egg McMuffin, I think.” He turned, and weaving dangerously, made his way back to his office. As he neared his closed door, he heard Susan inside, reading their ex-clients the riot act.

“You people don’t know what you’re throwing away,” she said hotly. “Where else will you find an advocate who is so damned committed to his cases that he works most of them pro-bono, even spends his own money? The damages he’s suing for were incurred by *him*, not you. If you can look at him and not see how great—how *beautiful* he is, then you don’t deserve him!”

Herman heard chairs scraping inside.

“And one other thing,” Susan said. “My father is right. This is not your case, it’s ours. It’s being filed by the Institute for Planetary Justice. It doesn’t belong to you. It doesn’t belong to any of us. It belongs to the people of the United States of America, and it is in the very capable hands of Herman Strockmire Jr.”

The door opened and, while Herman slumped pitifully against the doorjamb, they filed out, not acknowledging him, their eyes down, sparking anger. Susan followed, but stopped in the threshold and looked at her father.

“Y’know, baby, I think maybe I do need to go to the hospital,” Herman the German admitted sadly.