



BY JOHN M. CURTIN

## The Apot heosis of Har d Knock Johnson

**B**y 10:30 that morning, the day had already taken on all of the characteristics of a cigar butt: stale, burnt out, and a little bitter. The courthouse coffee wasn't helping. They'd upgraded the cafeteria facilities a few years back, and the popular brand coffee was strong as New Orleans chicory. It washed the pit of Knock's stomach, like a sea of acid.

He wouldn't use cream to kill the taste, though. It was a point of pride. Coffee should be served black. Whisky should be poured over ice, not diluted. Things are what they are. If you don't like them, leave them alone. Much of the trouble in the world comes from mixing things that oughtn't be mixed.

Enoch Johnson was a veteran of a series of unfortunate mix-ups. Bad marriages (two), bad divorces (one and half), and bad luck (relentless). Even his appearance suggested a genetic co-mingling of traits that, upon reflection, might not have been entirely well thought out. A thick, muscular, block-like torso, now running to fat, overtopped his stumpy too-short legs. A head of cropped sandy hair, which might once have been charitably called "full," but for the monastic-appearing tonsure at the top, which in recent years seemed determined to spread down over his large ears like a fleshy yarmulke. Pale skin, given to freckling and bouts of fierce sunburn when exposed to the Phoenix sun for more than a few minutes. Glasses that tended to slide down his nose, or hide in unexpected places, so that he had to enlist help from less visually impaired bystanders to locate them.

All in all, an appearance that lacked the dignity of person to which he imagined himself entitled.

A large shadow fell across the Formica tabletop.

"Morning, Hard Knock. 'Bout time you went up and got your ass kicked, innit?"

And then, there was the inevitable nickname. A relic of a brief but glorious collegiate career as an All-Southeast Conference offensive tackle. Enoch gave rise to "Knock" in high school, and later on the college sporting press had dubbed him "Hard Knock Johnson" during his junior year at Auburn, just before his right

knee got rolled under a big old nose guard from LSU. The Auburn Tigers lost the conference title that year to the Florida Gators, though the Gators had to give it back due to flagrant recruiting violations. Hard Knock Johnson spent the rest of the year on the bench, and lost his athletic scholarship. It gave him just enough extra time to study and raise his grade point, so that he was able to squeak into law school.

What luck.

He looked up from the table. The shadow was far larger than the man who cast it. Richard Quelland for the defense. One of the more offensive defense lawyers in a large firm, with a long and storied history of giving offense. The day was not improving. He offered up a smile that was as broad as it was insincere.

"Morning." He paused to make eye contact. "Dick."

"Most people call me Richard." said Quelland, irritably.

"Hmmm ... well, probably to your face they do," Knock mused, gathering up his scattered papers and stuffing them into a battered tan briefcase. "Shall we go see about that ass-kicking?"

Getting on the elevator, there was another little dustup. With five minutes to the hour, the courthouse lobby was packed with attorneys and court staff, all looking at their watches and then looking at the floor indicator lights, and then at the watch again, in a reflexive arc reminiscent of one of those plastic bobbing-head birds from the sixties that pretended to drink from a glass.

The elevators were slow. The crowd was in a hurry. When the doors opened in the elevator bank behind Knock, he turned and tried to follow the crowd surging into the tiny packed compartment. But Quelland cut him off, almost throwing a shoulder into a young woman with a stack of files. He packed himself into the front of the crowded elevator and smiled as the doors closed in Knock's face.

"I'll tell the Judge you're on your way."

Knock smiled apologetically over his shoulder in the general direction of the young woman. "Shoulda thrown a cross body block on that sumbitch," he muttered.

"I would have liked to have seen that, Hard Knock. I surely

would.” The woman’s voice was a throaty alto, with just a touch of magnolia. Knock turned to see, but the woman was already shouldering her way into the next elevator. He had a vague impression of youth and chestnut hair. Maybe glasses. But she was gone before he got a good look.

Unfortunately, the argument that morning was in front of the Honorable Benjamin D. Slikowski—“Slick,” as he was known amongst the less respectful members of the trial bar (a category which, depending on the setting, the company, and the level of alcohol consumption, included pretty much the whole of the trial bar).

“Slick” was a gross misnomer, given the judge’s state of dishevelment, the quantity of hair protruding from his ears, the bleary coating of grease on his glasses, and his apparent inability to grasp elementary legal concepts. But Knock knew from sad experience that even judges who seem incapable of formulating a coherent thought often followed an impulse as reliable as the brute instinct that guides fledgling geese thousands of uncharted miles to a particular pond. In Slick’s case, that impulse required him to put the screws to lawyers who represented the plaintiff.

It did not, as they say, bode well.

The judge ruffled disdainfully through the motion papers as he spoke.

“This is the time set for oral argument in CV 2005-01117, Kitz versus McCaskell’s Department Stores, Inc.”

He continued irritably. “What exactly is it you’re asking for Knock, er, Mr. Johnson? I can’t make heads or tails of this.”

“Actually, your Honor, it’s my motion for protective order,” Quelland corrected gently. “Mr. Johnson has, as you correctly noted, confused the issue with his cross motion to, ah, compel.”

“So what do you want, then?”

“The McCaskell’s Corporation wants to avoid responding to plaintiff’s burdensome interrogatories and requests for production. Plaintiff wants us to produce every document pertaining to every occasion anywhere in the United States when any product fell on a customer, regardless of the precipitating event that caused it to fall. It would take hundreds of hours, perhaps thousands to gather this information.”

There was a brief respectful silence, during which the judge blinked rapidly several times, apparently attempting to process this sentence.

“What do you think would be fair, Mr. Quelland?”

“The only store at issue is the one where this accident happened. We could produce incident reports of similar accidents, for, say, the last three years.”

“Mr. Johnson, tell me what’s wrong with that.” The honorable Slick looked appealingly at Knock, inviting him to drop this silly argument and be reasonable.

“Judge, McCaskell’s is a national corporation. Their merchandise handling policies are uniform throughout the United States. If there is a problem with the way they stack heavy merchandise above the aisles where people shop, then that problem would show up nationally. A similar accident may or may not have occurred in a particular store, but if we’re allowed to do discovery,

the inherent dangerousness of the merchandise policy will almost certainly be demonstrated — ”

Knock could see Slick’s eyes glazing over. He decided to go for a compromise. “We probably don’t need the whole U.S. Just give us the state of Arizona.”

“Mr. Quelland?”

“McCaskell’s does its risk management from its home office in Trenton, your Honor. There is no single location where we could go for Arizona documents. The incident reports are kept at the individual stores, and in Trenton. We’d have to search the indi-



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This is my first published story in many, many years. I spend my free time playing with my kids, reading, and trying to learn to cook without butter.

I want to be very clear that the characters in this story are fictional and are not based on any actual lawyer or judge. Especially you, Dick. On the other hand, if you think you recognize yourself in this story, perhaps you ought to think hard about what you’re doing with your law degree.

As a special bonus to people who read author biographies, I want to mention that “apotheosis” means “glorification or elevation to divine status.” Don’t tell anyone where you learned this. Pretend you knew it all along. That’s what I usually do.

vidual store records for every store in the state.”

“How many is that?”

“Umm ... 74 stores, I think.”

The judge looked shocked. “74? You’d have to go through the records of 74 stores individually?”

“Either that or go through the national risk management records.”

“Can you narrow this down to something more reasonable, Mr. Johnson?”

“Judge, c’mon. They have to have a computer system. The database has to indicate where the incident originated. They can probably sort our Arizona claims in a few minutes.”

“Is that true?”

“I don’t really know how they do it, your Honor.” Quelland looked uneasy. “Even if they could pull the Arizona claims, they’d have to sort out the type of incident. There must be hundreds over a three-year period.”

“So at the worst, he’d have to read through a couple hundred pages of claim reports,” Knock interjected. “How bad is that?”

“Judge, we don’t even know if there is a way to sort the claims by state. Mr. Johnson is merely speculating.”

“That’s true. Mr. Johnson, can you show me anything that demonstrates how they keep their claim files?”

“Oh for Chr ... Heaven’s sake. How the hell could I know that, Judge?” For a moment, Knock let his exasperation creep into his voice.

“There is no reason to use that tone of voice, counsel.”

Crap.

Sensing his advantage, Quelland leapt back into the fray. “Your Honor, even if we spent the time and money pulling and reviewing all of these voluminous documents, they probably wouldn’t be relevant or admissible. He wants every incident where merchandise fell on someone, no matter whether it was a coffee pot, or a packet of screws, or a pair of pants, and no matter whether they pulled it down on themselves, or a store employee knocked it down, and whether there was an injury or not.” Quelland practically quivered with indignation. “What does that have to do with this case?”

Midway through Quelland’s litany, the Judge began to nod his head. Knock sensed the argument slipping away.

“Judge! He doesn’t know if there’s a computer system or not. He doesn’t know how the database works. He doesn’t know how many claims there are. He doesn’t know if they are relevant or not. He is just making stuff up! It’s his burden to show that we shouldn’t discover this. He hasn’t offered one iota ...” Knock could hear the whining tone entering his voice, and he cringed internally.

And that is how it went. Motion for protective order granted; motion to compel limited to information from the store at issue. Quelland smirked, as he slid a stack of neatly organized file folders back into his shiny black briefcase.

“Always a pleasure, Hard Knock.”

“Maybe for you ... Dick.”

Still fuming, Knock piled up the motion papers and his ubiqui-

tous yellow legal pad into a manageable stack, and turned to exit through the swinging gate that separated the well of the courtroom from the public seating. The lawyers for the next proceeding were already milling around, waiting for him to clear the table. As he reached for the gate, a neatly dressed young woman handed him another folder.

“You forgot this.”

Knock never actually looked at her face. Afterward, he had the impression that she may have been a court employee. Something about her, her clothes, her tone of voice suggested that she was not one of the attorneys. But he never really looked closely enough to really say for certain. He wanted to get out of the courtroom, and on to the next thing. He just stuffed the file folder into his bundle of papers and left.

When he got back to the office, he tossed the stack onto the battered walnut of his desktop, where it blended seamlessly into the morass of his current projects.

He sorted through a handful of phone messages. One was marked Urgent. Wouldn’t you know it? Mr. Kitz. Probably wanted to know how the oral argument went.

Some clients sign the fee agreement and then disappear. Others, more anxious, want to follow every step of the proceedings. Still others, cursed with a malignantly inflated sense of personal competence, want to kibbitz. They mine the Internet for every bit of dirt they can find about their opponents—both the defendants and the lawyers. They pore over legal self-help sites for tips and strategic advice based upon the New York Code of Civil Procedure. They keep lists of questions that sound like accusations. They collect newspaper clippings about juries in North Carolina and Illinois who have awarded huge verdicts in situations of dubious comparability. They fax things to you. And they call you.

A lot.

Leo Kitz was a kibbitzer.

Knock sighed. Years ago, he’d read a time management article that said you should always make the call you don’t want to make first, so that it doesn’t just lie there, sucking the life out of your day. He tried to follow this advice, even though he had never observed that it really added any noticeable amount of “life” to his days. But then, he hadn’t noticed a whole lot of *joie de vivre* around the office anyway.

He picked up the phone.

“Leo? Enoch Johnson. What’s up? Is Maribell done with her treatments yet?”

Maribell had suffered a head injury when a portable cooler had fallen on her head. She’d seen a neurologist for the headaches and gone to a chiropractor for some neck adjustments, but Knock knew there wasn’t much to treat.

“She died, Knock.” Leo’s voice sounded choked. “My Maribell, she just died. They said it was a stroke.”

“My God, Leo, I’m so sorry. What happened?”



"She was at Dr. Goldstein's, the chiropractor? He did an adjustment of her neck. She tried to sit up, and then she just fell off the table. She fell on the floor and she didn't get up. She was dead." Leo's raspy voice took on an almost wondering tone. "She's gone now—"

"Wait a minute. She had a stroke from what the chiropractor did?"

"I don't know. I don't know. She just fell down. Now she's dead."

"I'm terribly sorry, Leo. I don't know what to say." Knock paused. "This is going to affect the case, of course, but that's the least of your worries. I'll look into it, and we'll talk."

"OK." Knock could hear Leo breathing heavily.

"Knock?"

"What, Leo?"

"What do I do now?"

"I don't know, Leo. I don't know."

After Knock hung up the phone, he sat quietly at his desk for a few minutes. Maribell Kitz had seemed like a nice woman. Much nicer than Leo, actually. Knock tried to muster some sympathy for Leo, who would have to soldier on without his wife of 30 years. Sad, really.

But he didn't really feel it.

What he felt was an upwelling of interest, perhaps even excitement. What did this do to the case? Did it help or did it hurt? On the one hand, the claim for pain and suffering disappeared, since Maribell Kitz was done with suffering. On the other hand, if the chiropractor caused the stroke ...

Knock reached for the phone again.

"Dr. Fitzgibbon's office."

"Can I get the doctor on the phone for five minutes? Tell him it's Knock Johnson." Fitzgibbon was a longtime friend and orthopedic surgeon. He'd testified in half a dozen of Knock's cases, and tuned up his bum knee at least twice.

"What's on your mind, Knock? You ready for that knee replacement yet?"

"Why? You got a special this week?" Knock got right to business. "Listen doc, I've got something I want to run by you. Lady goes in to see a chiropractor. He cracks her neck, and she strokes out and dies on the table. Can an adjustment do that?"

"Maybe. I've heard of it. It's pretty rare."

"How does it happen?"

"Well, in a susceptible person, sometimes if you twist the head sharply, it will cause the vertebral artery to dissect and the patient

will have a stroke."

"Is it because they do it too hard, or twist the neck too far?"

"Not so far as I know. Maybe you should ask one of your chiropractor friends."

"Is there any way to tell in advance who is vulnerable?"

"People who go to chiropractors."

"Nice. Is that the voice of professional rivalry I'm hearing?"

"Sue me. Listen, I got a patient waiting. From what I understand, there's no way to predict who's susceptible. Look it up on Medline. Gotta go."

"Thanks, doc."

Half an hour online, and Knock had confirmed Dr. Fitzgibbon's gut impression. Chiropractic neck adjustments could cause stroke in rare cases, but there was no proven way to reliably predict or prevent it. Not a malpractice case. But if the death was a result of a complication of treatment, and the treatment was caused by the store's negligence—all of a sudden, Kitz versus McCaskell's Department Stores was starting to look like a wrongful death case.

It occurred to Knock that with a serious injury, like a death, maybe he could get the judge to reconsider. With a death claim at stake, certainly the court would be justified in giving him access to similar incidents for the whole state. At least.


Knock started to rifle through the piles on top of his desk for the motion he'd lost that morning.

That was when he noticed, tucked in with the pleadings, the folder that the young woman had handed him on his

way out of court.

It wasn't his. It contained some kind of spreadsheet. He glanced through it, at first casually, and then with mounting interest. It was a printout from the McCaskell's Department Stores risk management database listing accidents caused by falling objects. It was broken down by state and by store, with a brief description of the injury and the incident—"employee stocking shelves knocked a toaster onto customer's head," or "customer reaching for item pulled stack of shoe boxes onto self." Quelland must have left it on the counsel's table.

Knock checked the totals. In the last three years, there had been 136 similar incidents in Arizona alone, with 26 serious injuries. There were skull fractures, brain injuries, even one death.



The motion for  
sanctions was a  
blazing 15-page  
attack. the word  
"egregious" was  
Employed at least  
once per page.

Knock whistled softly. Then he checked the information for the single store that the judge had restricted him to. Only three incidents, and two of them were goofy deals where an employee was on a ladder painting something and had dropped a wet paintbrush on the customer. The other one involved a dubious whiplash injury from a can of insect repellent falling on someone.

Quelland had sandbagged him.

"Ohhh, Dickie." Knock grinned wolfishly. "I think this case just got interesting."

Things came to a head three weeks later, when Knock was deposing the manager designated "most knowledgeable" about falling merchandise cases. She didn't know how many injury claims there had been in Arizona. She didn't know whether or not there had been any serious injuries. She doubted it. McCaskell's employees were always "very careful" about stacking heavy merchandise on the upper tiers.

"What would you consider to be an acceptable number of customer injuries?" Knock asked.

"I don't know that there is such a thing as an acceptable customer injury." She was obviously prepared for this one. Quelland smirked. "McCaskell's is very concerned about customer safety."

"So is your answer zero? One? Two? Ten?" Knock insisted.

"Any injury to a customer is taken extremely seriously." The witness looked at Knock with apparent sincerity. "Even minor injuries are investigated thoroughly."

"Then why can't you tell me how many injuries there have been? Surely these investigations produced some kind of records."

"Objection. You haven't established that there have been any injuries or investigations," Quelland interjected.

"OK. Withdraw the question. There is a national risk management database that summarizes every falling merchandise claim in Arizona, isn't that true?" Knock wasn't going to let Quelland distract him.

"I ... I think so."

"Every claim gets reported to national risk management, correct?"

"Yes, we fill out a form and one copy goes to the home office."

"Have any falling merchandise claims been reported in Arizona?"

"I'm sure there may have been some." The witness sounded aggrieved. "Each of our stores sells an average of \$11 million in merchandise a year. You cannot move that much merchandise without a couple of mishaps."

"Really? So a couple of customer mishaps are acceptable as a cost of moving \$11 million in goods, is that the policy?"

"I didn't say that! I didn't say that. We investigate every claim. If there is something unsafe, we fix it. That's our policy."

"So, in your experience, when there is a serious customer injury, McCaskell's will do whatever it needs to do to prevent a second one?"

"Yes. Even if the injury isn't serious. The next one might be." The witness looked smug now, back on the prepared script.

"There's no way, in your mind, there's no way that McCaskell's would ignore, say, 136 customer injuries in Arizona, without doing something to make the stores safer?"

"Objection! There's no foundation for that." Quelland looked disturbed. He dove into his briefcase and began rifling.

"No. We wouldn't ever ignore customer injuries. That would be irresponsible," the witness answered piously.

"Objection. Just answer the question and don't volunteer opinions," Quelland instructed the witness angrily.

"Are you objecting to her answer, Dick?" Knock asked sweetly.

"Move to strike. Move to strike the witness' answer as speculative and based solely on her own opinion."

"Hmm ... that's a new one," Knock mused. "I'm not sure you can do that. Maybe I can simplify things. Ma'am, is it just you that thinks it would be irresponsible to ignore minor customer injuries, or is that something you've learned about company policy as a manager?"

The witness looked helplessly at Quelland. He ignored her and continued to pull folders out of his briefcase.

"No. It's company policy," she conceded uncertainly.

"That's because McCaskell's recognizes that unsafe is unsafe, right?" Knock drilled.

"I don't understand what you're asking."

"McCaskell's knows that an unsafe practice that causes a minor injury today might cause a serious injury tomorrow. Isn't that true?"

"I suppose that's true."

"Maybe even a fatal injury, true?"

"Yes."

"So there's no way McCaskell's would ignore a whole series of serious injuries to patrons from one of their merchandise handling policies, isn't that correct?"

"What do you mean by 'series'?"

"Well, for example, McCaskell's wouldn't just ignore 26 serious injuries to patrons from the way they stack heavy merchandise on the upper tiers, without changing *something*, would they?"

"Objection!" Quelland erupted. His smooth face was pale with rage. He snapped at the witness. "Don't answer that!"

Rounding on Knock, he pointed his finger.

"We're going to the Judge on this! You stole documents from my briefcase. I'll file a bar complaint. I'm going to take your license for this, you bastard!"

Knock smiled.

"Guess that we're done with this deposition then, eh, Dick?"

As luck would have it, this time Quelland turned out to be telling the truth. The Motion for Sanctions, a blazing 15-page attack on Knock's conduct, his demeanor, his motives, his overall character, and (impliedly) the marital status of his parents, was hand-deliv-



ered the next afternoon. The word “egregious” was employed at least once per page.

Yet, despite the thorough and merciless dissection of Knock’s alleged misdeeds, the fact that Quelland had sandbagged him and misled Judge Slikowski didn’t appear to rate a mention.

Mr. Kitz, on the other hand, was ecstatic. “You got ‘em, Knock! Now what are they going to do? They admitted they should have done something different. They knew what they were doing was dangerous. They can’t get out of it now.”

“Take it easy, Leo. We aren’t there yet.”

“Can we get, whataya call ‘em, punitive damages?”

“I don’t think so. They didn’t intentionally hurt your wife.”

“But they killed her, Knock. You said so yourself. Legally, they caused her death.”

“That isn’t the issue, Leo. For punitives, you need to show that they had an evil mind.”

“Yeah, but they said they knew what they were doing could hurt customers. Isn’t that the same?”

“What can I tell you, Leo? The law is an ass. Besides, they are still trying to stuff the genie back in the bottle. We don’t know what the judge will do.”

By reflex, Knock tried to lower his client’s expectations. But inside, he was still smiling over Quelland’s discomfiture.

“Gotcha!” he thought to himself. “This time, Dickie boy, I gotcha.”

When the hearing rolled around, Quelland was sitting a subdued second chair. First chair was Langston Boroughs, one of the senior partners and a former judge who had “retired” from the bench to a practice consisting largely of mediations and the occasional rescue mission, when one of the firm’s lawyers got caught doing a naughty.

Boroughs, a silver-haired thoroughbred with an impeccable country club pedigree, had a gift for smoothing things over. Apparently, one of the partners had read Knock’s response to the Motion for Sanctions and was concerned that some of Quelland’s conduct might reflect badly on the firm.

THINGS BEGAN TO GO BADLY  
ALMOST AS QUICKLY AS THEY  
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SARAN WRAP IN A CAMPFIRE.

Things began to go badly almost as quickly as they began to go at all. Slick beamed at Boroughs as he seated himself on bench.

“Langston. Haven’t seen you in too long. How’s Penny?”

“She’s doing well, your Honor, very well. I’ll tell her you asked. We’re still smarting over the drubbing that you and Verna gave us at the Bench/Bar golf outing.”

The judge turned to greet Knock, and his smile melted like Saran Wrap in a campfire. He nodded curtly. “Mr. Johnson. If the court

reporter is ready, let’s get started. I think this better be on the record. Mr. Boroughs, this is your motion.”

“Your Honor,” began the estimable Boroughs in a tone of constrained outrage, “this is a very disturbing development. Somehow, a privileged communication from my client found its way into Mr. Johnson’s possession. Mr. Quelland assures me that he had the document in his briefcase. We don’t know how *he* got it.” Boroughs paused to stare righteously at Knock. “But rather than return it to Mr. Quelland, *unread* ... Mr. Johnson chose to violate the privilege. He not only read the document, he tried to use its contents to embarrass and harass one of my client’s employees at one of his ... *depositions*.” Somehow, Boroughs managed to pronounce the word so that it sounded like “date rapes.”

“We are requesting that the privileged document, and all copies thereof, be immediately returned. We are further requesting that the deposition transcript be sealed, and Mr. Johnson be barred from using or disclosing anything he learned in the document. Finally, we are asking for the attorneys’ fees and costs our client has incurred as a result of Mr. Johnson’s misconduct. We leave it your Honor’s discretion as to whether this merits a referral to the Ethics Board.”

“Mr. Johnson?” Slick glared at Knock icily. “What do you have to say about this?”

“I didn’t do anything wrong, your Honor. I didn’t steal the spreadsheet. It was handed to me. And anyway, it was all stuff that they should have given me in the first place. Judge, you remember the oral argument on the Motion for Protective Order.”

“We are not going to re-argue that motion now, Mr. Johnson.”

“I’m just saying, he misled the Court. He said they didn’t

have this information about other incidents, when he had this spreadsheet right there on counsel table. He told you that they would have to search the records of 74 stores. It wasn't true."

"That isn't the issue," Boroughs interjected smoothly. "We're here to talk about what Mr. Johnson did. Mr. Quelland's conduct isn't before the Court."

"He's right, counsel," said the Judge. "Two wrongs don't make a right." Slick looked as pleased as if he'd just invented the cliché on the spot. "How did you get the document out of Mr. Quelland's briefcase?"

"You have got to be kidding me," said Knock incredulously.

"I assure you, this is not a joking matter."

Boroughs weighed in, his silky baritone sounding tones of offended piety.

"There are standards of conduct, as your Honor well knows. Lawyers used to be trusted professionals." He shook his head sadly. "But these days—"

"I didn't touch his damn briefcase! I can't believe you're buying this — He lied to you, Judge!"

Boroughs jumped in. "I don't believe Mr. Quelland said anything untrue, your Honor. McCaskell's is a very large and complex organization. Mr. Quelland correctly stated that claim documents are kept at the individual stores, and at the national risk management office. He also disclosed, quite accurately as it turns out, that there is no repository for claim documents relating solely to Arizona."

"I don't recall that he said there was a computer database, Langston." A note of irritation entered the judge's voice. "He said he didn't know, I think."

"He had the spreadsheet on the table in front of him at the hearing when he told you that he'd have to search the records of every individual store in the state." Knock threw some gas on the flickering spark of the judge's temper.

"Enough, Mr. Johnson. I told you, we're not re-doing the motion. ... Although I find this somewhat disturbing."

Boroughs rallied.

"It's a very complicated organization, Judge. There are hundreds of documents that have been reviewed in this case. Surely, Mr. Quelland can't be faulted for overlooking some detail of the client's recordkeeping process—"

"Enough," said the judge. "Both of you. The issue today is the document, and how it got in Knock's hands." He turned to Knock. "Do you have an explanation, or don't you?"

"Dick ... I mean, Mr. Quelland, must have left it on counsel table after the argument, Judge. A woman handed it to me after the hearing. She must have thought it was mine."

"A woman?"

"I don't know who she was. I think she might work for your office."

"My office?" Slick sounded offended at the idea. "You're saying that one of my court staff handed a privileged document from Mr. Quelland's briefcase?"

"I don't know her name. I didn't really look at her. And it was

from counsel table, I think, not from his briefcase. I didn't see her pick it up. I don't know." Knock trailed off.

"Who was this purported mysterious woman?" mocked Boroughs. "Was she wearing a trench coat, perhaps?"

"Judge, this is ridiculous," Boroughs continued. "Mr. Quelland has stated as a fact that the document was in his briefcase at the beginning of the deposition. He had it with him that day, long after the oral argument. Isn't that true, Richard?"

Quelland looked troubled. He and Boroughs began a whispered conference, which became progressively more emphatic. Knock seized the opportunity.

"He didn't have it at the deposition. I had it. I had it ever since it was handed to me at the oral argument. Where he went out of his way to mislead you about how hard it would be to get the information he already had in his hand," Knock emphasized stubbornly.

"Where is this supposed woman?" Boroughs demanded, waving off a chastened-looking Quelland. "If she works for the Court, where is she?"

"Right here," said a voice. "There was a folder left on the table."

At that moment, Knock could have sworn that the skies opened, and the Heavenly Glee Club began to softly hum the Auburn Fight Song. A young woman entered the courtroom from the door to the judge's chambers. On second thought, maybe not so young. Closer to Knock's own age, actually, only without the potbelly and the balding. In fact, she had a full head of hair. Chestnut colored hair. And, yes, glasses.

His angel continued. "I gave it to that gentleman, there." There was just a hint of a southern drawl in her speech as she pointed to Knock.

"Suzanne?"

"Who is this person, you Honor?" demanded Boroughs.

"My daughter," replied Judge Slick. In the back of his mind, Knock could hear the rising noise of the crowd, right before the home team ran out onto the field.

"But, Judge," Boroughs sputtered. "Even if she is your daughter, she shouldn't be giving away our privileged documents to other lawyers. That is simply negligent. She must have seen it was on the wrong table to belong to Knock."

The judge stared at Boroughs, the greasy lenses of his spectacles opaque, as if they had suddenly frosted over.

"If it was there on the table, right at Mr. Quelland's fingertips, exactly why did he tell this Court that he would have to individually search the records of, what was it? Ah yes, 74 Arizona stores? Mr. Quelland, perhaps you could explain."

That was the moment. The moment when God's Own Marching Band took the field in Knock's head and began a rag-time version of the War Eagle Fight Song.

He felt young. He felt strong. He felt ... well, as good as a stumpy, balding 47-year-old lawyer, with two bad marriages, and one and half bad divorces, ever gets to feel.

And that, all things considered, ain't half bad. 