

Boiling the Ocean

by

Ron Coleman

Detailed chapter outline

i

...

© Ron Coleman 1996

Boiling the Ocean

Chapter 1

The heart and soul of American civil justice is paper. And now the world's vastest paper-inspection project, or document production -- relating to an oil price-fixing case -- explodes all over Park Avenue. The client, one of the firm's biggest, is the mammoth Petrolco, being sued by a consortium of western states. It's an old case that's been dormant for more than a decade. Suddenly it's been resurrected, and, as zombies will, it's scaring the hell out of everyone.

Twelve young hot-shot lawyers, starting at \$145 an hour up to double that, search through thousands of pages of oil-company documents and sort them into piles -this one for documents containing the word, "price," this one for documents containing the word "capacity," this one for documents containing the word "oil." They're all cross-referenced with colored-Post-Its, flags and coleslaw stains. Under the watchful eye of a flailing Gordon Levy, the Associate Dog, we meticulously account for copies, versions of copies, and copies of versions.

I can't figure out why they need lawyers to do this, much less the "best and the brightest." Finally one of the supervising partners, Larry Wiener, explains it. Wiener is a well-dressed, meticulous functionary with no obvious talent. Lack of talent, however, gives Wiener a certain lack of artifice that has its refreshing aspects. He explains, "This is our bread and butter!" This is how the firm makes its money. Now shut up and sort.

Chapter 2

How did I end up on Park Avenue? I didn't come from an "educated" background. I had stumbled into Princeton on the strength of good-enough

numbers and involvement in a subversive if adolescent underground high school newspaper, which impressed the admissions office for its spunk and moxie.

At Princeton I saw that the rich and Protestant are different from you and me: they know how to study, and why. I knew neither, and I didn't care. Virtually ignoring my academics, I became a gargantuan man on campus, overachieving in every non-athletic extra-curricular activity, all calculated to lead me exactly nowhere my upbringing would allow me to go.

Again, not knowing what would happen after graduation, I feU up. This time I landed in law school, the default position the bright, verbal and ambitious. Despite a mediocre grade-point average, my board scores and my Ivy League credentials get me into Northwestern, which I learned was the "Harvard of the Midwest." I resolved to work hard.

Chapter 3

As the mid-'80's grind on, law firms' demand for warm bodies makes Northwestern a recruiting Mecca. I chug along in law school anticipating average performance. Still, with my Princeton background, given the demand for associates at the big firms in the major cities, I am confident of scoring a top job. I leave school for the summer without deigning to compete for the law review, which strikes me as an endless cycle of meaningless activity.

While working as a summer associate in New Jersey I receive my grades: three

A+'s. I would have made the law review if I'd competed, but it seems to matter little. I anticipate a fun autumn of recruiting.

Chapter 4

Seven hundred law firms descend on Northwestern in the fall of 1986, including scores of top New York firms. They fly us out to the best hotels, wine and dine us, and sometimes offer us jobs. I go on nine interviews with New York firms, get seven callbacks, and five offers. I end the recruiting season early.

Ultimately I choose Kaye, Scholer, which a New York University Law School mentor tells me is a "place for nerdy Jewish guys," which sounds about right. As a second-year summer associate I share an office with Gordon Levy. He's not a nerd. He's a workaholic former biker and rocker who is hell-bent to make up for lost time and a modest academic background recently crowned with law review (hence his shot at the big time). He's the only summer associate who reports staying until 6 a.m. In contrast, I am monarch of all I survey, and avoid breaking a sweat. Levy, meanwhile, becomes a favorite of a number of power partners.

But summer associateship is not for work. We go to cocktail parties, Mostly Mozart, a "booze cruise" on a huge luxury boat around Manhattan Island. Free lunch after free lunch. A Greenwich country-club outing, with golf, tennis and whatever else you do at a country club. After scarfing down cold cuts I take off. They also have a pool party which I have to miss, but I'm glad not to have to show myself in a bathing suit.

At the end of the summer, I'm offered a full time position for autumn 1988, as is everyone else in the class. But I don't come back until the fall of 1990. In the interim I marry Jane, a former corporate associate at the firm of Savage, Liebennan who now edits law books, and get a post-graduate degree. Kaye, Scholer, flush with work and anticipating a steady need for wannabes, generously defers my starting date.

Chapter 5

My first job: litigation associate at Kaye, Scholer. I have been prepared for this by seven years of higher education, the bar exam and the Florsheim on Coney Island Avenue. I meet Gary Thomas, my bright but green office-mate from Alabama (by way of the Rutgers Law Review).

Six months into the job the action has picked up. Round-the-clock legal research and writing prompt recollections of studying for the bar exam, where I honed to perfection my ability to master and manipulate piles of arcana. I am assigned to a blitzkrieg attack team on a fast-breaking case where we attempt to shut down a gasoline franchise selling bootleg gasoline, on behalf of our oil company client. I work with just two other lawyers - partner Elise Shore and none other than my former office-mate, third-year star Gordon Levy.

I chum out briefs and papers, run down legal research questions, but while my work is occasionally praised as unusually precocious, I am criticized for failing to read minds and signaling an interest in a family life. Shore seems as nice as pie, but has a repertoire of facial expressions that I learn too late are expressions of horror.

at my lack of commitment. The night I ask to go home and shop for Passover provisions at 10:30 she lets loose with one that takes me a month to figure out, since it honestly never occurs to me that this is an unreasonable request. But it outrages my erstwhile chum Levy the Associate Dog, who huffs and puffs his way to total, slavish devotion to the art of anticipating partners' whims. He has a wife and a baby, too, and he points out that he's willing to completely neglect them for their sake.

Chapter 6

There's a war going on in Iraq, and while I sit at my desk paralyzed the rest of the crew keeps working those Xerox machines. I guess even during real wars important things like legal research have to keep coming. You know, Rosie the Riveter.

But this is the reality of the work, of course. Xeroxing cases, spilling gallons of iridescent highlighter ink, doing hours of computer research looking for *the case* -the one whose facts are diametrically opposite to our case but which can be manipulated to say what we want it to say. It's like a fourth year of law school, only in law school you're supposed to speak up in class.

Legal research for first years is usually a matter of "boiling the ocean" -- trying to find every case in every jurisdiction involving that's remotely like your case .. *Never* come back and say there is no such case, because since you can't prove a negative you will be assumed to have missed *the case*. And certainly don't let economics govern whether you keep hacking at it. Clients expect firms like Kaye,

Scholar to leave no stone untumed; they'll pay for our time, our dinner, our time spent eating dinner, our car service home in the wee hours. Yet regardless of what you come back to the partner with, you failed to think of something -- some completely unapt analogy you should have made, some strained interpretation of a case whose facts are critically different from ours.

The :finn sponsors continuing legal education seminars, to at least make a pass at developing our skills past what we've learned in law school. One afternoon I'm sitting next to Ed Theodore, another first year, at an accounting seminar in the marble and chrome palace on the 19th floor. We're not best mends, but he's unquestionably cool- he reinforces that feeling we all have of being elite young professionals.

I'm writing a letter to a mend while he doodles. Then I notice that he's written out the entire speech from Act V of Macbeth: "Tomorrow and tomorrow and tomorrow, creeps in this petty pace from day to day ... Life's but a walking shadow ... It is a tale told by an idiot, full of sound and fury, signifying nothing. " Accounting will do that to people. At least it's not Hamlet.

Chapter 7

Even though I try to go home I do seem to always be here and almost always working. But somehow I only manage to bill two-thirds as many hours as everyone else, as I am reminded by the administrative partner -- slicked-back, twitching Andy Farmer, passed over for real partnership but pressed into service by the :finn to assign work and wield the axe when necessary. He alludes to

"problems" besides billing, and broadly hints that Elise Shore has savaged me in her review.

One night, on a routine late-hour shift, I walk past Farmer's administrative assistant's office. It's dark, but inside I see, spread out upright across the floor, dozens of folders. Intrigued, I stick my head in and read the labels. They're the personnel folders for my class, all lined up for the insertion of partners' written evaluations for the coming spring review. Abandoning sanity, I find my own - meticulously avoiding the temptation to open any else's - and, like a spy in a movie, smuggle it out of the office against my chest, copy it, and return it to its place, having dropped three pounds in sweat.

Farmer wasn't kidding. Elise excoriates me, saying I'm "more talented than average" but "lack the commitment to succeed in a demanding environment such as our firm." Other reports are more positive, but glitches and screwups abound. Having the file doesn't do me much good, but enables me to be ready for the June reviews knowing exactly what's in store - and to seriously screw up my resolve again. I had turned it around in law school, and believe I can do it here, too. It's a matter of personal honor.

Chapter 8

So I renew my dedication to Kaye, Scholer. To some extent, it's not hard. I've been affiliated with them since I was a summer associate five years earlier. And they'd extended the courtesy of deferring my starting date not once but twice. So I have very positive feelings about the place.

But now I have to convince myself that Kaye, Scholer isn't just nice, it's worth giving my life to. So I think of money.

The partners -- and not only the most senior ones -- have condos on the East Side, *and* homes in Westchester, *and* summer places in the Hamptons. I'm still renting a one-bedroom on Ocean Parkway in Brooklyn, schlepping in on the F train, and now forking over \$622 a month to the student-loan people. Partnership, even permanent associateship at Kaye, Scholer could wipe that out in a year. Besides, I want my family to have some of the better things. There's a lot you can do with money, based on what I've seen. You can get a suit at Barneys and a tan in the winter.

But money isn't everything. There are many law firms. But Kaye, Scholer has some advantages. It still isn't a "sweatshop" like some of the worst New York firms. And there is a cadre of extraordinary people, mostly the generation of my father's age. Indeed, a lot of the older partners are like uncles I would have if we had American uncles in my family. There's the sloppy, gentle genius Mort Schifiin, who is always a gentleman and expounds on antitrust law in an office covered three-feet high in stacks of paper. Avuncular, dignified Stanley Wmestein, the trusts and estates partner, is a consummate gentleman, and nice enough to call me in and tell me privately that I with use my hands too much when I talk. Then there's Met Krystal, a retired partner now teaching law is "of counsel" to the firm and acts as a general source of practical experience and advice.

Krystal's story, actually, cuts the other way. He's one of the old guard, and his retirement from the partnership the year before I first came as a summer associate

spurns many rumors. Once a moderately successful Jewish firm that attracted local boys like Krystal, it has turned into a wannabe Skadden, Arps, the massive and highly profitable law factory, complete with a killer work ethic, a nonexistent partnership track, and hardball tactics. Krystal never had his own clients, though, and when the new era came he was no longer free to do things his way. He elected to step down rather than be subject to the whims of the power brokers, but was kept on as "of counsel" as something of a compromise.

Part of his job is to teach new associates the ropes. Though he supervises a mandatory legal-writing project for first-years, his main role is to be available to help point out a direction in legal research or point out a way to approach a problem. Practically speaking, anyone venturing into his office with a question is subjected to a three-hour shmoozathon at which Mel explains the rule in the New York courts, the Federal courts, the Nebraska courts, the handball courts, and anything else that came to mind, like how your family was doing.

"The one thing I know I would do differently," he says to a group of us once, "is not miss so much of my children's growing up." Everyone nods and laughs given the demands on Mel's time in the 1960's, he was working part time compared to us. Now Mel says he's grateful he got the teaching job at a new law school that opened upstate. "But you were a partner here long enough," I say. "Did you really have to worry about making a living?" He laughs. "Who thought the firm would ever make this kind of money?" he replies. Is the story true about why he quit? He won't say, and he won't say much else about the firm, besides, "It's just different now."

Chapter 9

One day I'm in the office of Tom Garrison, a second-year. He's about to leave for the day. He pulls out his timesheet and, muttering to himself, says, "Okay, I came in at 9:00, and now it's 6:30, minus half an hour for lunch" Drawing a line straight through the boxes meant to represent pieces of hours, he says, "Nme hours." I'm

dumbfounded. His office is near mine. He's been hanging out in the hallway, on the phone making a dinner'date, talking to me about George Bush - here I'm writing my time out in little increments of tenth-hours and he's drawing a line down the page.

Other people go off to distant points on the map on months of document production. No one really knows how long they're working, or what they're really doing. The only time they use their brains is when they get together and "coordinate" their travel expenses (all borne by the client) and their timesheets. Andy Farmer has avoided putting me on these because I'm married, which I appreciate. But, besides the nightmare with Levy and Shore, I have yet to get assigned to a sustainable matter that I can bill time to, day in and day out.

So between these two phenomena, now I'm beginning to understand why my hours are a problem. I ask Met what to do. He laughs. "Yeah, Myron Cohen had that problem when he first came in, too," he says. "Wasn't billing enough time." I knit my brows. "That was during the Johnson administration. What was the minimum number of hours then?"

Mel stops and thinks. "Thirteen hundred hours," he says. I laugh mockingly.

"That's what I'm billing," I said. "What do they want from you?" asks Me!. "Two thousand." But what am I going to do, I ask him. Pad my hours? Steal? He laughs, and turns away. "You've got a problem," he says.

Chapter 10

In fact, through eight or nine months one problem I haven't had is being thrown onto document jobs, the thought of which makes me shudder. I've been almost entirely used for research and writing. Now I'm assigned to Craig Wallach, a former Assistant US. Attorney, for a new matter involving research and, it seems, a chance to participate in developing a case.

When Wallach was a new lateral associate at the firm, I'd worked with him as a summer associate. He seemed with-it, very poised, and he had reviewed my work toward settling a commercial case very positively. "Like having a real associate assist me on the project," he'd written. But now he was a partner, spoiled and impetuous. He did not hesitate to show his disdain when, in the midst of a discussion about legal research I'd done, I pulled out a case to demonstrate a point. "I don't look at *cases*," said the litigation partner, contemptuously pushing it away.

We're involved in a far-ranging business dispute with a new client, the Reefer Group. We get hold of a roomful of documents, from which it is hoped some financial paper trail will be deduced. He tells me to "analyze" the papers. I haven't the slightest idea what he's talking about, not being a banker, a financier or a transactional lawyer. Neither does he, since each time I ask him for a better

explanation he just says to "analyze" it. It begins to occur to me that maybe Wallach isn't as smart as his suits.

Eventually a fourth-year, happy-go-lucky Tim Flannigan, is assigned to help me. He gets to work "analyzing" the papers. "How do you know what to do with these?" I ask him. "I haven't the slightest idea," he says. "But neither does Wallach."

Weeks later the documents don't reveal anything, but we have lots of excerpts to paste together so can simulate a legal problem to solve. Wallach brings in Rob Francisco, a superannuated associate with a convincing ability to play dumb, to supervise the junior associates and help bulk up billing on the Reefer file. Francisco lives far away in Connecticut, and any time he has to work remotely late he stays at a luxury hotel across the street on Park Avenue, billing it to the client. He assigns me to put together a series of legal memoranda which will be bound into a huge mega-memo for the client, demonstrating every conceivable legal issue that could arise in the still far-from-clear "legal dispute" with no apparent purpose.

The memo is so far-reaching that it includes page after page explaining first-year law school concepts, such as the fact that a federal court can try state-law claims under certain circumstances.

I run something by Mel Krystal and he asks me about the project. He wants to see the memo the finished memo. When I give it to him later, he surveys the overkill and shakes starts laughing. "There's a part you forgot," he says. "You forgot to explain that there's a federal Constitution that gives the courts authority to adjudicate disputes ..."

But now I have to convince myself that Kaye, Scholer isn't just nice, it's worth giving my life to. So I think: of money.

The partners -- and not only the most senior ones -- have condos on the East Side, *and* homes in Westchester, *and* summer places in the Hamptons. I'm still renting a one-bedroom on Ocean Parkway in Brooklyn, schlepping in on the F train, and now forking over \$622 a month to the student-loan people. Partnership, even permanent associateship at Kaye, Scholer could wipe that out in a year. Besides, I want my family to have some of the better things. There's a lot you can do with money, based on what I've seen. You can get a suit at Barneys and a tan in the winter.

But money isn't everything. There are many law firms. But Kaye, Scholer has some advantages. It still isn't a "sweatshop" like some of the worst New York firms. And there is a cadre of extraordinary people, mostly the generation of my father's age. Indeed, a lot of the older partners are like uncles I would have if we had American uncles in my family. There's the sloppy, gentle genius Mort Schiftin, who is always a gentleman and expounds on antitrust law in an office covered three-feet high in stacks of paper. Avuncular, dignified Stanley Winestein, the trusts and estates partner, is a consummate gentleman, and nice enough to call me in and tell me privately that I with use my hands too much when I talk. Then there's Mel Krystal, a retired partner now teaching law is "of counsel" to the firm and acts as a general source of practical experience and advice.

Krystal's story, actually, cuts the other way. He's one of the old guard, and his retirement from the partnership the year before I first came as a summer associate

spurns many rumors. Once a moderately successful Jewish firm that attracted local boys like Krystal, it has turned into a wannabe Skadden, Arps, the massive and highly profitable law factory, complete with a killer work ethic, a nonexistent partnership track, and hardball tactics. Krystal never had his own clients, though, and when the new era came he was no longer free to do things his way. He elected to step down rather than be subject to the whims of the power brokers, but was kept on as "of counsel" as something of a compromise.

Part of his job is to teach new associates the ropes. Though he supervises a mandatory legal-writing project for first-years, his main role is to be available to help point out a direction in legal research or point out a way to approach a problem. Practically speaking, anyone venturing into his office with a question is subjected to a three-hour shmoozathon at which Mel explains the rule in the New York courts, the Federal courts, the Nebraska courts, the handball courts, and anything else that came to mind, like how your family was doing.

"The one thing I know I would do differently," he says to a group of us once, "is not miss so much of my children's growing up." Everyone nods and laughs given the demands on Mel's time in the 1960's, he was working part time compared to us. Now Mel says he's grateful he got the teaching job at a new law school that opened upstate. "But you were a partner here long enough," I say. "Did you really have to worry about making a living?" He laughs. "Who thought the firm would ever make this kind of money?" he replies. Is the story true about why he quit? He won't say, and he won't say much else about the firm, besides, "It's just different now."

Chapter 9

One day I'm in the office of Tom Garrison, a second-year. He's about to leave for the day. He pulls out his timesheet and, muttering to himself, says, "Okay, I came in at 9:00, and now it's 6:30, minus half an hour for lunch" Drawing a line straight through the boxes meant to represent pieces of hours, he says, "Nine hours." I'm dumbfounded. His office is near mine. He's been hanging out in the hallway, on the phone making a dinner date, talking to me about George Bush - here I'm writing my time out in little increments of tenth-hours and he's drawing a line down the page.

Other people go off to distant points on the map on months of document production. No one really knows how long they're working, or what they're really doing. The only time they use their brains is when they get together and "coordinate" their travel expenses (all borne by the client) and their timesheets. Andy Farmer has avoided putting me on these because I'm married, which I appreciate. But, besides the nightmare with Levy and Shore, I have yet to get assigned to a sustainable matter that I can bill time to, day in and day out.

So between these two phenomena, now I'm beginning to understand why my hours are a problem. I ask Mel what to do. He laughs. "Yeah, Myron Cohen had that problem when he first came in, too," he says. "Wasn't billing enough time." I knit my brows. "That was during the Johnson administration. What was the minimum number of hours then?"

Mel stops and thinks. "Thirteen hundred hours," he says. I laugh mockingly.

"That's what I'm billing," I said. "What do they want from you?" asks Me!. "Two thousand." But what am I going to do, I ask him. Pad my hours? Steal? He laughs, and turns away. "You've got a problem," he says.

Chapter 10

In fact, through eight or nine months one problem I haven't had is being thrown onto document jobs, the thought of which makes me shudder. I've been almost entirely used for research and writing. Now I'm assigned to Craig Wallach, a former Assistant U.S. Attorney, for a new matter involving research and, it seems, a chance to participate in developing a case.

When Wallach was a new lateral associate at the firm, I'd worked with him as a summer associate. He seemed with-it, very poised, and he had reviewed my work toward settling a commercial case very positively. "Like having a real associate assist me on the project," he'd written. But now he was a partner, spoiled and impetuous. He did not hesitate to show his disdain when, in the midst of a discussion about legal research I'd done, I pulled out a case to demonstrate a point. "I don't look at cases," said the litigation partner, contemptuously pushing it away.

We're involved in a far-ranging business dispute with a new client, the Reefer Group. We get hold of a roomful of documents, :from which it is hoped some financial paper trail will be deduced. He tells me to "analyze" the papers. I haven't the slightest idea what he's talking about, not being a banker, a financier or a transactional lawyer. Neither does he, since each time I ask him for a better

explanation he just says to "analyze" it. It begins to occur to me that maybe Wallach isn't as smart as his suits.

Eventually a fourth-year, happy-go-lucky Tim Flannigan, is assigned to help me. He gets to work "analyzing" the papers. "How do you know what to do with these?" I ask him. "I haven't the slightest idea," he says. "But neither does Wallach. "

Weeks later the documents don't reveal anything, but we have lots of excerpts to paste together so can simulate a legal problem to solve. Wallach brings in Rob Francisco, a superannuated associate with a convincing ability to play dumb, to supervise the junior associates and help bulk up billing on the Reefer file. Francisco lives far away in Connecticut, and any time he has to work remotely late he stays at a luxury hotel across the street on Park Avenue, billing it to the client. He assigns me to put together a series of legal memoranda which will be bound into a huge mega-memo for the client, demonstrating every conceivable legal issue that could arise in the still far-from-clear "legal dispute" with no apparent purpose.

The memo is so far-reaching that it includes page after page explaining first-year law school concepts, such as the fact that a federal court can try state-law claims under certain circumstances.

I run something by Mel Krystal and he asks me about the project. He wants to see the memo the finished memo. When I give it to him later, he surveys the overkill and shakes starts laughing. "There's a part you forgot," he says. "You forgot to explain that there's a federal Constitution that gives the courts authority to adjudicate disputes ... "

Chapter 11

Eventually the Reefer case grinds to a halt as it becomes more and more apparent that it's Rob Stevenson, Reefer's CEO, who's playing Kaye, Scholer for a sucker. Digesting each shiny new memo Fed Ex' ed to him, he asks for more and dribbles out just enough money to keep Wallach working, until eventually everyone realizes he's a deadbeat. The firm ends up suing Reefer for its fees -the whole endeavor another high point in what seemed all along a whole program in futility.

Each night that I don't work late a deepening gloom envelopes me even after I leave 425 Park, all the way down to the subway platform, where hundreds of us strain and look down the tunnel for the inevitably late F train. When we get on it the detritus of a civilization without the will to save itself is everywhere, and I don't know whether it's a stunning contrast of the wealth of Kaye, Scholer or maybe not a contrast at all.

There is a snarliness around here. Of course, in the winter of 1990-91, the whole city's feeling kind of snarly, especially in the law firms. Business is way off: and associates are being fired by the score. Each day we look at the front page of the *New York Law Journal* to see how many were kicked out of which firm, and what euphemism that firm chose to describe its wholesale wrecking of all those young professional lives. I get together with friends and we compare notes as to how each major firm describes its layoffs. The results fall into three categories: Classy, classless, and evil.

Kaye, Scholer swears it won't lay anyone off, but all the partners are still in a dark

mood. I don't quite understand why, considering that the *American Lawyer* says they're making about half a million a head. Can't that get them through next year? The only partner who moves me is the gunslinger Stan Wilson, who makes me laugh and think and who seems to love what he does. He's a little funny; a native of Buffalo, New York, he has no home in Manhattan. Kaye, Scholer, of course, doesn't have a Buffalo office. So Williams stays in hotels, at the firm's expense, when he's in New York (all of three or four days a week).

Nonetheless, that's none of my concern. Wilson and I really hit it off. He likes my straightforwardness. For my part, I actually feel like I'm moving the ball forward, accomplishing something for the client. He treats me like a colleague, whether I'm brilliant or I screw up. But I'm pulled off his case when an emergency breaks out.

Chapter 12

It's Petrolco again - now the oil price-fixing case has the firm on red alert. We have to prepare answers to the states' complaint against Petrolco. Their claims are contained in a huge 2,000-plus-page document called the Plaintiffs' Initial Pretrial Brief, or "PIPB." The PIDP, separated into a dozen or more floppy black binders, takes up an entire credenza in our work room.

We spend May and June on the PfiP responses. First-year associates are given a half-hour lecture about the case and a stack of deposition transcripts -- on-therecord interviews for use in the proceedings. We break into two teams, each of which is responsible for mastering, collectively, a group of transcripts. After a

week of transcript reading, we spend the summer in dingy workrooms on the 30th floor, "answering" the 2,000 pages worth offactual assertions in the pmp.

Answering the pmp may be boring, but it isn't hard. The most common answer is "Defendant Petrolco denies knowledge and infonnation necessary to answer the question." This response comes be known as "DKI" (*deny* knowledge and infonnation"). None of us could possibly know about events which took place before our births through our entry into high school. Unfortunately, our legal and ethical obligations are to answer what the *client* knows. The client, however, is a multi-gazillion-dollar multinational corporation. It knows everything on earth. But where to find it?

We hold our noses, file the thing, and run for the hills. What else can we do? By the time anyone realizes how much we've bluffed, either we'll know more, the case would be settled, or the earth will have spun out of its orbit and mercifully hurtled us into the sun.

Chapter 13

Meanwhile, a number of the group are sent abroad. There are innumerable skids of boxes in warehouses around the continent that they haven't even brought to our office yet. Gary spends two weeks in Houston gathering documents at a document retention warehouse, sitting at a card table while forklifts bring him hundreds and hundreds of boxes. From there he is stationed at Petrolco's asbestos-ridden original headquarters building, where a donut-fattened guard follows him through old basement bins popping offlocks with what looks like a giant bolt-cutter.

Finally, nirvana: He spends several days at the world's largest document retention facility, the infamous five-story Iron Mountain in upstate New York, where you can see the curve of the earth down the aisles.

Again, though at one point it looks like I'll be needed in Los Angeles, Andy decides not to call on me, especially when Jane, going into her third trimester, goes on modified bed-rest in August. Unfortunately, his graciousness leaves me with little work - August not being the time of year when new business walks in the door. No one's joking about "shopping days" any more. I'm worried about my billable-hour quota. I'd use my vacation time, but we're saving it for November, when the baby's due. I read *Spy* and try to look busy, even as I remind Andy that I'm "kind of slow,"

Chapter 14

The PiliP responses filed, and the documents retrieved, we file ourselves into the conference room, there to begin our sorting project. Though the senselessness of the enterprise stuns me, I seem to be virtually alone in my antipathy. Everyone else seems to have a ball mindlessly making piles for documents, reshuffiing the piles and spreading paper, boxes and pizza crusts throughout the conference room. The fetid air fills with boom-box music and cascades of obscenities -- mostly from the mouths of my chain-smoking, sex-obsessed female "best and brightest" colleagues. Their gross talk turns my Alabama Catholic office-mate white.

The whole thing makes me increasingly skeptical about this paying-dues stuff since it seems that after two years of document production you get to *supervise*

document production, and then supervise the supervisors, and so on. In other words, you can grow up to be Gordon Levy.

I said I was "virtually" alone in my dissatisfaction. In contrast to the crass grossness of the "Madonna comer" of the room, there is something of an intellectual contingent. Gary agrees we're engaged in high absurdity, but his work ethic keeps him in line and allows him to utter just the right pointed witticism while Levy and I have at it. Now we're joined by first-year Jeff Hughes (by now we're second-years), a coal-miner's son from Pennsylvania who's so cynical. that he relishes the high comedy of it all.

One of our crew, Byron Lightener, actually has a doctorate in philosophy and has co-authored antitrust articles with one of the firm's founders. He just got married, and he's frustrated that he doesn't get to see his wife. Lightener insists that 7:00 is a reasonable time to go home unless it's an actual emergency (not a four-month long "emergency," which is how the firm regards this case). And of course, the brainlessness of the work is even worse than graduate school. His appeals to be reassigned are laughed at - another Ron Coleman! One day Lightener just walks out and never comes back.

Chapter 15

My wife has been expecting since the end of last year. The baby's due in November. In August she starts to swell terribly, but all the tests turn up negative.

Some ladies swell up when they're pregnant.

One morning in September, a week after her eyes have started to look like golf balls, she calls out one morning that she's broken her waters. In fact, that isn't water. It's blood, a lot of it; Edvard Munch come to life in Brooklyn. While she gushes blood in the back seat of our '83 Oldsmobile, I drive her from Flatbush not knowing the seriousness of the situation - to Mount Sinai Hospital on the Upper East Side in half an hour through rush hour traffic. She has an emergency cesarean section. Both she and the baby, miraculously, live - an outcome which we later learn is statistically all but impossible with her condition (a combination of a placental abruption and post-partum preeclampsia). They're alive, but neither one is having much fun. Both stay in the hospital.

The "Kaye-Bull Gram" newsletter announces, "Congratulations to Ron and Jane Coleman on the birth of a three-pound, four-ounce baby boy." Mort Schiffrin sends down a "mazel tov" note. Kaye Scholer provides us with a personalized Official Baby Gift package, very nice really, when the baby's big enough to have a *bris* and be named.

I get three days off, thanks to the intercession of good old Gordon Levy, who lets me know he had to scrape for it. He tells me Wiener rolled his eyes in disgust. "It's always something with Coleman." I stop in and tell Mel Krystal. He shakes his head sadly. "Too bad," he says. "Your wife almost drops dead and they gave you all of three days? Outrageous."

Chapter 16

Then again, disgust is the default expression at Kaye, Scholer. For some reason,

whenever they emerge from partnership luncheons in their ritzy 19th-floor marble-and-chrome dining room, it looks like they all ate bad lobster. At the Xerox machine I hear whispered rumors of partners in trouble, government investigations into S&L's. Frankly it sounds like a lot of sour grapes -- the food of choice at 425 Park -- directed at some of the less-than-gracious partners, such as former chairman Fishbein. I can understand that. I once spent a week with him, working out a novel legal theory. When he was done with me, I faded back into the wallpaper; he passed me in the hallway as if we'd never met.

Not everyone is in a sour mood. There are different ways to handle the stress. Ed Theodore, the Shakespeare guy, had been a big-shot paralegal at Cravath (a paralegal at Cravath trumped a lawyer at most other firms) during the go-go days. He knows all the ins and outs at Kaye, Scholer, and who all the big partners are. He wears expensive suits, his hair is always well-groomed. Ed is smug, but always interesting. He leads a fast New York City life, working huge hours and then disappearing. Ed says strange things, and no one quite knows whether they're profound or just strange. And to make it all just-so, Ed snorts cocaine.

Ed's supposed to work all weekend on some project for a huge heart-valve patent case that, it turns out, will employ numerous Kaye, Scholer lawyers for many years. He leaves the office late on a Friday night. Gary says he remembers seeing him at about midnight the previous Thursday, at the sign-out station in the lobby. They chatted and walked out together. Gary tells me Ed was in a strange mood and said some indecipherable things about life, but whether more decipherable than usual is hard to say.

Anyway, by Monday morning, Ed's office-mate Randy Mann is worried. No one has heard from Ed all weekend, and now he isn't in the office. Randy calls Ed's girlfriend. Nobody knows where he is. Finally, Randy meets Ed's girlfriend at Ralph's building. The doorman, recognizing both, lets them in. Ed's right there, half-dressed, stiff and green and laid out on his bed. We never hear a word on the exact cause of death. Some say suicide, some say coke. The difference seems rather academic.

The funeral is strange and interesting. Lots of people go and use the experience to be glum and profound. Some cry. It's a proper Catholic funeral in a small Westchester County church. It's a beautiful day. Was Ed warning Gary, sending a sign, that night at the lobby desk? Gary shrugs. Death puts every conversation and moment into disproportionate focus. "Who knows?"

Chapter 17

Intermittently visiting my wife, her veins being pumped with the blood of strangers, and our 3-lb. baby in the hospital uptown, I continue reviewing documents but rapidly lose favor due to my lack of commitment. After a week in the hospital they send Jane home, and a week later -- at 4 lbs. -- they send the baby home. (He's too brawny to take up space in neonatal intensive care that's needed for New York's growing population of doomed crack babies.)

Despite his traumatic beginnings, our baby is in perfect health. He just has a typical baby problem: colic. But while most baby's outgrow this in three months, he's not even up to his age of gestation yet. His mother has no help from me or anyone

else, and is beside herself that I'm so self-centered, and of course she's right. I'm watching my professional life slide down the tubes and it's kind of preoccupying me. But why do I think I don't have to watch my family life too?

We take a break from the conference room to regroup. The partners, along with Levy, are making one more shot at reorganizing the categories and reclassifying the sorting. I do summaries of the piles of the puned documents over a stillslightly-warm Double Delightburger. Whenever I get home, Jane - and the baby - will be up.

Chapter 18

Though the winter is approaching, the temperature is rising in the conference room. Part of it is that I'm running out of simulated attitude. Part of it is I'm a little tired. Our baby still doesn't sleep more than 15 minutes at a time, and when he's awake he screeches bitterly. Jane, just beginning to circulate her own blood, is home on disability clutching our small loaf of protoplasm to her chest, which quiets him. At night neither of us sleeps.

The partners to let me take a box of documents home to sort at night and give my wife a break from her tiny, sleepless baby. I don't broach it because I'm so considerate. Jane's at wit's end and bringing me with her. At midnight she calls the conference room and, when I come to the phone, places the mouthpiece in front of our shrieking bundle of joy. When I offer to come home it's worse. "Don't jeopardize your job!" she says. "It just makes me more nervous!" Still, I
ten her, I'm going to see when I can get out ...

Gordon isn't buying it. "Damn it, Ron!" he says, pounding the table with his beefy fist. "You've got to be a kamikaze!" he continues. "If Wiener told me to jump out the window, damn it, I'd jump out the window!" Snickers fill the room at the thought of the rotund Gordon descending on Park Avenue. He continues, his fire stoked by the laughter. "Look," he shouts, "*my* wife had a baby while I was on a big case too! She had complications! *I was back the next day!* That's our job!" There's not much to argue about with someone who's that committed to selfdestruction - but I do anyway, baiting him cruelly.

Gordon continues, the steam rising from his scalp as he surveys my infamy. "Larry Wiener was on a big trial in L.A. when he got married," he says, both of our voices getting loud enough to cover up the tinny music from the boom box. He stands up, waiving his arms wildly. "He delayed his honeymoon for *six months!*"

I stand up, too. "Then," I say, matching him decibel for decibel, "Larry Wiener is a *schmuck!*" My heresy whitens Gordon's visage, the crowd gasps, and cool Gary Thomas steps in before havoc breaks out.

Chapter 19

Feeling the wake of the sword descending on my neck, I land ajob in what I hope will be Arcadia -- New Jersey, where we moved last fall. New York's legal recession is so serious that another state is my last best hope anyway.

The only :firm hiring when the legal market is in the trough is Karlofl: Bachofl:

Stitlefreud and Pidgen, a notorious revolving door where nastiness is an official firm policy. Every three months they change the names on the stationery, and it isn't to add to the partner column. But I've been resurrected again, and am both worried and pleased: Worried that after 15 months at Kaye, Scholer I don't have the slightest idea what a file is or how to sue someone; pleased, in retrospect, that I am such a good advocate that I convinced them to hire me despite all that. I don't know which side of a case file opens. The first-year pay is \$60,000, about typical for "top" New Jersey firms; I'm supposed to be promoted to second year (and another \$5,000) the following June. I don't have much to negotiate.

I literally run to Farmer's office to give notice before he can fire me. Farmer graciously accepts my resignation by telling me they had decided to fire me anyway, and tells me what my problems are. Attitude problem.

After giving notice I compare notes with Greg Canola, another litigation first year whose timing was as good as mine. He's been asked to leave - just never "caught on." They give him three months. He lands something in a small, albeit politically-connected, New Jersey firm. He also has a wife and young baby. But he's taking a job for \$41,000. My gratitude for the relatively rich position I garnered is redoubled. Jane wonders how we'll afford to live, however, considering that I borrowed for seven years assuming an income rising from \$83,000. They don't reduce your student loan payments when you take a 28% cut in pay.

Chapter 20

Shortly after I get to New Jersey, the government fingers Kaye, Scholer in savings

and loan fraud. Fishbein is at the center of it. The government contends that the firm misled regulators about a California S&L's fiscal health and activities, while Fishbein claims he was only being a vigorous advocate. The government's position is that the law entitles regulators to complete cooperation, not litigationstyle gamesmanship, and to prove its point it freezes Kaye, Scholer's assets.

With its assets frozen, Kaye, Scholer is unable to get credit. Even a financially sound firm like Kaye, Scholer depends on a line of credit - a big line - to meet its regular expenses; it doesn't press to collect its accounts receivable until the end of the year. Without credit, the firm is paralyzed. No one gets paid, and partners' personal property is vulnerable. That would explain the sourpusses in the executive dining room. I feel really bad about it.

The firm closes ranks around Fishbein and works out a settlement, after protracted positioning and bluffing. The partnership presents a united front - with the exception of Stan Wilson, my old friend. He told the firm to settle with the government immediately. He maintains that **if** the firm had admitted its wrongdoing at the beginning, it wouldn't have to have been pushed to the brink by the asset freeze. Disgusted by the episode, Wilson leaves Kaye, Scholer to head the Manhattan office of an obscure Buffalo firm.

Chapter 21

At Karloff, Bachoff I finally get to go to court: A calendar call. My job is to say "ready" when they call my case. I sit there almost wetting my pants with excitement over actually being in a courtroom. All of sudden they're done and

everyone leaves the room and I *swear* they never called my case. Later I go into a hearing to set damages on a default judgment we had already won and the judge ends up dismissing my client's case. What am I missing? Increasingly, work to do, as Larry Karloff realizes that 15 months "paying dues" in a big New York firm does not amount to "training." He decides he doesn't have time to teach me to be a lawyer, and the flow of work to me slows to a trickle.

I look over at Dave Schmaltz, the mid-level, mid-talent associate who spends the days wheeling and dealing on the phone and who says I write briefs like Shakespeare -- I don't get it. And for all this, the \$20,000 pay cut is making it impossible to keep up with my growing family and student loans. My review is in ten minutes. With two strikes on me, I make one desperate phone call to the last, best hope: the Lowenstein firm ...

Literally minutes before my review I accept an offer at one of the biggest firms in New Jersey, and the most profitable one. I get the job with the help of Schmaltz's old colleague Hubert Silver, who himself is starting over at Lowenstein after being passed over for partnership at Karloff (He vouches that crashing at Karloff's shop is no shame.) I tell Karloff he can cancel the review --that I'm going to a new place where I can get more personal training (and another \$5,000).

Karloff, relieved at not having to deliver the review (and fire me?), says he's sure I'll do better with more attention because clearly "you're not a dumbbell. " He says I should stick close to Silver (which for some reason Larry himself declined to do when partnership time came). Then for some reason I agree to hear the review anyway so I can "learn from it." I learn I should be happy to get away from these

cheez-its.

Anyway, I'm gone. The new job is for a bankruptcy position, reporting to Silver, but beggars can't be choosers. What I don't know is that his boss, and my new boss, is the Captain K weeg of the bankruptcy bar.

Chapter 22

In some ways the Lowenstein firm is a New York law firm that just happens to be in verdant New Jersey. That just might be a perfect combination. The resources of a big firm -- late-night word processing, a library staff: teams of paralegals, copy services -- do help me do my job better. On the other hand, there's an undercurrent among associates questioning whether the touted New Jersey calculus (skip New York but work normal hours and have a chance at partnership) is a sham.

Now I'm a litigator. Here comes handsome, dashing Ned Wills, the leading black trial attorney in the East Coast and cash machine both for the firm and the Democratic party, worshipped by young litigators and billing apparently every hour of his waking life for a sweet \$300 - \$400 an hour; his office walls are covered by his clippings, laminated on wooden plaques. He is bringing in tons of New York-style document-heavy complex litigation.

Here is Craig O'Reilly, the poker-faced department head who lets on nothing and watches the time sheets. Here is Kerry Javelin, an up-and-coming young partner opining legal expertise on the TV news as he works to get out of Ned's shadow.

He takes me under his wing even though I forget to take a pencil with me when I accompany him on an argument before a federal appeals court. And here is Luke Matthews, the cigar-smoking, :tree-wheeling, dame-charming, Catholic-philosophizing name partner who knows how to get things done in litigation and do it his way.

I take up with Clyde Richards, a former county prosecutor and the son of the founder of a rival big New Jersey firm. Richards charms everyone he meets, does his damndest, gets results, and for all that everyone assumes he got the job as a *quid pro quo* between his dad and Matthews. So I'm making friends, and it's decent enough around here. When I have my doubts, for \$200 an hour Sheila Ball, career recruiter to the armies of the legal discontented, tells me to hold my ground. Back at the farm, O'Reilly explains that now that I am out of Norm's wacky group, the firm is expecting to see "the hours" come on line.

Chapter 23

One day I get a call at work ITom Gordon Levy. He's tracked me down. "No hard feelings," he says. He wants to stay in touch. He's left Kaye, Scholer. "The time was right," he says. He explains that he didn't feel he had any choice but to be the way he was. "That was what you had to do there, and I'm always going to do what I have to do." What he was doing, I say, was heading for a coronary.

"My wife had had a premature baby, too," Gordon says. "I just kept coming to work. I didn't see any alternative. That's why I was so hard on you. I didn't get any special consideration." I ask him ifhe'd asked for any. "There's ajob to be

done," he says. "They paid us plenty not to bellyache."

He tells me he's taken a job with a firm in Virginia. "A big house for half the price of what we had in Westchester," he says. "The kids love it." Gordon says he hopes the out-of-town pace will feedback into his own pace. "I lost a lot of weight," he says, which suggests that maybe he does indeed have some control over his life now. He adds, "So far they do think I come on a little strong down here. Old habits are hard to break. But I think it's going to be a lot better for us." It certainly couldn't be worse.

On the other hand, I'm still looking wistfully at the New York skyline every night on the way home. Tom Lowenstein. It eats me up. Crapping out of New York was a personal failure. I'm supposed to be at the top of the heap. When I was in New York I was one of the best, like being at Princeton again. Now what -- merely above average? The best firm in New Jersey is still just in New Jersey. Maybe it's not Virginia, but it's certainly not New York.

Chapter 25

I'm getting along decently in the firm -- mostly good reviews and some partners who have come to rely on me, like Kerry Javelin. He adopts me, and I become one of his regular "customers" - the associate he turns to when a new matter comes in and he needs to staff it. From time to time, he lets down his guard, though, and speaks sadly of the firm. "I don't know where this place is going," he says. I'm not sure what he means.

But it's very clear that the partnership track here is exactly the same as in New York, not just because they're hardly making any but because they're actually only elevating *New York associates* -- senior lateral hires from top New York firms. You know, who've paid all those dues. The home-grown (and as *ajunior* lateral I count myself as one of them) are discarded, just like at Kaye, Scholer. The main difference is that by fifth year even my relatively (for New York) modestly-paid Kaye, Scholer classmates will be making about \$40,000 more than I will.

And it's getting a little depressing riding out to this sterile, suburban wasteland. I miss the New York beat. I'm working like a dog anyway, and my last raise still left me making less than on my first day at Kaye, Scholer. I have more responsibility but no more personal life and a lot less money than my New York cohort. And when I look out the window -- actually, up and out, since my office is halfunderground -- all I see is golf-course-like industrial-park lawns and the entrance ramp onto Route 280, six lanes of boredom.

And I watch the senior associates, up for partnership, peel off one by one into nondescript New Jersey firms in towns I've never heard of: or join in-house legal departments that are just miniature (or not so miniature) law firms without partners. Hubert Silver, tired of being put off, is gone. Marty Savitz, the essence of the talented, hard-working utility litigator -- the guy you take your procedure questions to -- is passed on to AT&T. He tells Rick and me to keep our options open. Nothing personal -- but the pie isn't growing any more, and the young partners want to pull up the ladder. And the young partners are working the hardest anyway.

The last straw is when I stop in to talk to Rollie Larach, a senior associate lateral, originally ITom Cravath, probably the top law firm in the universe. Larach is bound for partnership. I congratulate him on his role in securing a favorable settlement in a big case of Ned Wills's. He frowns. "Yeah, but this place drives me crazy." What does he mean? "They never gave me the staff I could have used on that case," he says. "I could've really billed that file - twice as much as we did." No matter how the client did: Lowenstein - no, Rollie - could have done "better." Is this what Kerry had in mind?

1 decide that if this is going to be an ersatz New York firm, and I'm coming home at 2 in the morning anyway, let someone else drive me home and let me paid well for it --I'm going back to New York.

Chapter 26

Actually I've been testing the waters in New York for years, and I know that there's practically no way they'll take someone from out of town, no matter what his accomplishments. But of course, 1 was at Kaye, Scholer, and after their brush with the government there is a kind of universal pardon of anyone who left there in that era (which is almost everyone -- the firm has been hollowed out, with phenomenal, but mostly secret, associate turnover). The Kaye, Scholer scandal is irrelevant to me, but amnesty is amnesty. Plus 1 now I have "trial experience" with the best finn in New Jersey, and 1 have more "jury time" then a lot of litigation partners at the biggest firms in New York. Maybe there's an opportunity for me. Sheila Ball tells me to network and 1 pay her \$200.

said, shaking his head. "You all right?" he asked.

I told him I was pretty upset. We talked about the discussion. He told me he'd come in once with 103.5-degree fever. Elise was really uptight, he said - after all, the filing was tomorrow (for the fourth tomorrow in a row). "Don't worry," Gordon said. "I defended you as soon as she hung up."

"What'd you say?" I asked.

"I said she was being too hard on you. You're only a first year." I shot out of my seat. "That's a defense?"

"No, you have to understand, they're asking too much of you. This is much more than a first year usually is asked to do, in terms of responsibility." He had defended me by assuring Elise of my limited capability. "Don't sweat it," he said as he turned for the door. "She loves your work." I grunted a thank-you, and he left. Was it me, or did nothing make any sense?

A recruiter gets me an interview with the Newark office of a big L.A. firm. While awaiting their callback, though, I am working at the New York office of our co-counsel on one of Kerry's cases, and I stop in across the street to visit Jon Grossman, an old acquaintance I Tom Kaye, Scholer who's followed Stan Wilson around since he left the firm. Now Grossman is a partner with Wilson in a new firm made up of a number of Kaye, Scholer castaways. He makes the move on me, say they remember me as a well-regarded "brain," just a little green, at Kaye, Scholer. Now after nearly three years at Lowenstein, my capability is not a question. I stand to make quite a bit more on the Newark job. But Wilson offers a substantial salary increase, and an Opportunity -- and this is New York.

Though Kerry expresses disappointment, and a little hurt that I didn't talk to him first ("You were in the thick of it, Ron," he says), no one grabs my hem to stop me I Tom leaving Roseland. O'Reilly, in fact, offers to pay me for an extra week if I'll leave a week early. "We need your office," he says.

Chapter 27

My huge new office is on the 25th floor of a skyscraper that overlooks Central Park. Fifth Avenue is kind of a funny place for a law firm, compared to Park or even Third or Madison. It's really a retail street, and at the intersection of 57th I am surrounded everyday, not by the grim warriors of capitalism, but the most beautiful individuals in the world. The park is practically across the street. From my office I can see the George Washington Bridge and even a slice of the Hudson.

City of my birth: New York New York New York!

I'm also happy as pie to be with Stan Wilson again, even if he is a little flaky. I'm prepared to work, and I do; I'm in almost every weekend for the better part of a day, and I come home at night by car service. The money -- about \$30,000 more than I was making in Jersey -- is great, and that's not counting the promised bonus.

Of course, my assignments are almost identical to what I did at Kaye, Scholer four years ago: research and writing. My trial experience counts for naught; I never leave the office. The work is less fun, but I figure, well, this is the deal. It's trials for cheap in Jersey or paper litigation in the Big Town. Now at least I can do lunch without driving my car for twenty minutes.

Chapter 28

Most of the work here centers on a toxic tort case actually being litigated in New Jersey. For a while, it's going fine. People are relying on me. At one point, Grossman and I are discussing a new approach to our client's defense, a rather abstract idea that would involve "making new law," i.e., convincing a judge that we've found a new and legitimate spin on the old law. Grossman sighs. "At least with you here, there's someone I can discuss this with intelligently," he says. Another time he falls sick on the eve of completing a wide-ranging memo to one of his own clients that I'd helped him with. I send him home and finish it off for him overnight. "Thanks, buddy," he says. This is nice.

Then, strangely, I seem to be making a lot of mistakes. Not following through. Not getting on top of the ball. Making assumptions that are not only substantively

wrong but wrong for having been made at all. Grossman calls my briefs -- my strong suit, what people in my past jobs have turned to me for -- worthless. I feel like I somehow am not getting it. Or something.

One day Grossman calls me in and tells me we have tons of work to do on the case. I remark that I don't see any need to panic; the projects seem manageable given the time left. Grossman hits the roof "Where's your *attitude*, man? Everyone around here has been noticing it." So I ask everyone. One of the partners is Paul Buznicki, a Cravath alumnus who was partners with Stan in a big L.A. firm before Stan left for Kaye, Scholer.

Buznicki confirms it. "You sometimes act like you don't want to *be* here," he says. "Even if you are here, your body language says 'I want to be somewhere else.' Well, that's not litigation. This can't be one little compartment in your life," he continues. "This is supposed to *be* your life. I've missed too many damn moments with my kids to get 'I don't want to be here' body language from you on a Sunday night. "

I hear him. And the question now is, Do I want to be saying that to the Ron Coleman of the next century in 15 years?

Chapter 29

Of course, I am not prepared to give them more. I've hopped around so much that the dirt never managed to stick, but in fact I never really did care much about gasoline price-fixing or who put the poison in Bark Ridge Township's wells. I'd

rather put up shelves in the basement. I'd rather have dinner with my family. How come my dad, without a college degree, managed to eat dinner with us every night? He never owed anyone \$60,000. I learned how to connect a hi-fi, use a soldering iron, plaster a hole by watching him at home in the evening and on the weekends. We watched the Yankees and Star Trek together, and stayed up late when there was "a James Bond" on. Why did he, the orphan I Tom the lower East Side, work two jobs and put me through Princeton and Northwestern? So I could say good night to my own sons over the speakerphone while awaiting my foilwrapped greaseburger? Out my window I stare at the midnight blackness of Central Park.

Stan Wilson sits back and takes a deep breath. He'd faced the same question early in his career: Did he want it enough? "I was like you," he says. "I was so smart I figured I was above all this crap." But he decided that even though he wasn't sure he wanted it, he'd act like he did. And now, with 20 years of litigation and zillions of trials and lots of money behind him, he couldn't really look back and see anything real he had to show for it. When he thought back and looked at all those years he spent in the company of lawyers, it made him sick. And, he says, he still "can't afford" to stop. (Can't afford it? When will he?)

"Godspeed," he says. "Spend as much time as you need finding something else; just be around to pitch in as needed. Don't sweat the billables - you're past that now." Grossman says he hopes I'll change my mind. "Besides," he says, "there might be some changes around here that will show you that practicing law can be fun again." Huh?

Chapter 30

It turns out that the firm is breaking up like a rusty Yugo. Stan Wilson hasn't been doing things the way his other partners like, or even doing what they thought he was supposed to do. He lives high on the hog, dedicating extensive time to "client development" (golf), and has not brought in the new business appropriate to his guaranteed \$1.5 million draw. While Stan leaves the office for a month, Grossman and sour-faced partner Dennis Nixon execute their scheme to squeeze him out.

The first order of business is to get rid of Dan's only hire, the morale-busting wise guy Coleman. They call me in. "You're not being fired," they say. They warn me not to try to make an unemployment claim. "You already quit. Now we're setting the date." They give me 30 days, during which I am required to bill 35 hours a week - a reasonable amount, but 35 more than Dan (the head of the office) told me I had to bill. "What about Dan?" I ask in mock naivete. "Don't worry about him," they say. Sounds like a mafia movie.

But there's no work for me, and eventually I am assigned to work with a temporary attorney under the supervision of a paralegal ... at document production. Five years after I stopped sorting documents on Park Avenue, I'm sorting documents three blocks away - now at \$200 an hour. A week later, I'm told to take my documents to my own office and sort them there. "You're distracting the others." Another week later, Grossman walks in. "Where's your time?" I tell him I've been working on lining up new employment. "There's no work to do," I say. I pause, then add, "No legal work. And I'm not going to do paralegal work."

"You're getting no legal work because you're no good at it," he says so casually that I'm truly disgusted. That's the one thing no one ever said to me. "Get the hell out of my office!" I yell melodramatically, louder than I ever shouted at Gordon Levy. I'm not really that mad, but I decide to go for it - matter of honor. "Out of my office!" The problem is, it's really *his* office. It's his finn.

By five o'clock I'm sitting in a car service car headed back to New Jersey, slumped in a back seat stuffed with books, boxes and office decor -- the detritus of five years on the fast track to nowhere. I don't know what I'm going to do next. As we zoom through the Lincoln Tunnel into New Jersey and across Route 3, I pluck my Princeton diploma out of a box and think of all the walls it's been on. There's a spot for it in the basement.

I go home, eat dinner with the boys and their mother and kiss them goodnight, and stare at of bills on the buffet.

Boiling the Ocean

by

Ron Coleman

*Four sample chapters
(plus an excerpt from the outline for continuity)*

© Ron Coleman 1996

The Conference Room

From the halls of the Ivy League and the law reviews of great state universities, we came to 425 Park Avenue. We were young lawyers beginning our careers as associates at the great corporate law firm, Kaye, Scholer, Fierman, Hays & Handler. And now, in the fall of 1991, we gathered in a plush, giant conference room high atop Manhattan. There we forged our talents to realize a solitary, exalted goal: Sorting.

We were looking at papers and putting them into categories -- box after box of documents, streaming in so fast than even the most mindless sorting could barely keep up with the them. Gathered around an oblong table covered with ashtrays, pizza boxes and duck-sauce packs, we were (combining our annual salaries) more than three-quarters of a million dollars worth of legal talent. All of us were admitted and licensed to practice as attorneys and counsellors before all the courts of the State of New York. And all of us, our combined "billable" rate running over a thousand dollars an hour, sorted.

Heaps became new piles and sheaves were divided into stacks.

Over an argument about the Gulf War we sorted ITom bundles into piles. As the Braves lost to the Twins in the World Series we sorted from piles into stacks.

Lawyers shouted to each other over the blaring radio, piled up aluminum cans and shot rubber bands. Partners strolled in; we ordered out; and everyone sorted.

Paralegals, the Gunga Dins of the legal profession, wheeled and lifted boxes in and out of the room, supporting our sorting. Into the night, over the weekend; through the disgusted resignation of one of our number, the suicide of one of our classmates, my own pregnant wife's near-fatal hemorrhage, the sorting never stopped, never slowed.

For this was not mere sorting.

One of the world's biggest oil companies -- biggest anything companies -- was in trouble with the states of California, Arizona, Oregon and Washington. These states had sued Petrolco, claiming that it was part of a conspiracy, with eight other major oil companies, to fix gasoline prices. This went on, the suit said, until the Arab oil embargo of 1973. The defendant companies then, said the states, kept all the oil they had off the market. The states were asking for billions of dollars in damages. Petrolco vigorously denied the charges.

The suit had been filed in 1975. Some time during the Ford Administration, the trial judge threw out the case. The dismissal was appealed. Slowly. And in the spring of 1990, a federal appeals court revived the moribund lawsuit, saying the judge had been wrong to dismiss it.

The case, however, was a judge's nightmare. The lawsuit was "multidistrict litigation." Technically, that meant it was a consolidation of several parallel, essentially identical lawsuits originally filed in different places. Practically

that meant it was massive, expensive, unwieldy and, as was now clear, potentially intenninable.

Now that it was resurrected, the trial judge -- a new one (the old one was dead) -- was detennined to drive a stake through this case's heart. The calculus was simple: Oil companies have a lot of money; the states want some. The judge, therefore, armounced a few simple case-management rules designed to put a little pressure on the companies' defense:

- The defendants were to submit papers admitting or denying, without argument or analysis, each of the states' factual contentions. Failure to file the responses in time would result in a default judgment against the oil companies -- the equivalent of forfeiting the game. The defendants were given six weeks to answer. There would be no extensions of time.

- • The defendants were then to submit their "affirmative pretrial briefs," in which they could argue their legal and factual defenses to the states' claims. Each and every document and piece of testimony in support of these arguments was to be identified in the briefs. So were the names of every witness the defense might call at trial, and a summary of each witness's anticipated trial testimony. This implicated hundreds of thousands of documents, hundreds of witnesses. The court gave Petrolco and its mends 30 days after the responses to the factual claims were filed. There would be no extensions of time.

This was very bad news for Petrolco.

It was marvelous news for Kaye, Scholer, Fiennan, Hays & Handler. A judge's nightmare could be a lawyer's dream, and such a case could

support an outfit like Kaye, Scholer in fine style for years. Four-hundred-lawyer Kaye, Scholer was Petrolco's main outside law firm. Now the oil giant turned to the firm to prepare Petrolco's defense.

If anyone could do it, or kill every one of us trying, it was Kaye, Scholer.

The judge had said there would be no extensions of time. So the first thing Kaye, Scholer did was prepare a motion asking for an extension of time. While that maneuvering was under way, Robert Newman, a senior Kaye, Scholer partner who worked almost exclusively for Petrolco, called us to a meeting in the 10th-floor conference room.

Though Newman was still junior to Mort Schiffrin, the top Petrolco partner still active in the firm, Newman was a pretty big shot. He was a pipesmoking intellectual, an expert on antitrust law and usually quite gregarious. Now, however, he was serious as hell. Petrolco was in deep trouble.

Newman explained that the client had begun to ship boxes of documents to our offices. There were a lot of documents -- refinery reports, executive diaries, phone logs, correspondence, expense vouchers. A sizable rain forest had been reduced to mountains of pale-white slivers, all rubber-banded together into boxes.

There were a lot of boxes. Some were located in remote, deepstorage facilities, and at some point some of us would have to go get them. But, for now, we would be starting with all the documents that had been exchanged by the parties in the early going 15 years ago.

The documents, Newman explained, had already been "Bates-stamped," that is, affixed with serial numbers. There were some slight problems with the organization of the material, however. For example, there were several sets of Bates numbers, applied by different law firms on different sides of the case at different times, or by Petrolco's own substantial in-house legal department. Therefore, some of the numbers were used twice, or maybe three times. Some, actually, weren't stamped at all. We would have to watch out for that.

Newman then yielded the floor to third-year associate Gordon Levy, who was to supervise the novices at document review. Gordon, a 260-pound buzz-saw of fealty to the firm, cut right to the quick.

"We have tons of stuff to do. Right now Bob, Mort Schifftin and I are working together, as a supervisory team, developing categories of information that the documents may or may not contain. Your job -- and I'll be right here with you, even though I'm senior to you guys, still I'll be right here reviewing documents -- your job is to examine each document, determine if it fits into one of the categories, and designate it according to the category it goes in."

He looked at me. We had worked together before. Back to the group, he continued:

"This may sound simple to you. But this is a lot of responsibility." Again to me. "This is *not* merely sorting," he said. He paused for effect, and, poking his finger in the air for emphasis, declaimed, "*This is substantive review which requires an attorney.*"

Newman left. Gordon stayed.

We attorneys opened the boxes, inside of which were stacks of documents held together with rubber bands. (Eventually we were overrun by rubber bands. Indeed by the end of the project we had all mastered every known technique for shooting them and using them to propel other objects at walls, artwork and large third-year associates.)

We started our *substantive review*.

It was, of course, sorting. Every document containing the word "interruption" went in this stack. Every document containing the word "capacity" went in that pile. Every document dated before 1973 went in this corner of the room. Every document with the word "OPEC" -- those they wanted to see immediately.

There were 28 categories of documents, many of which had variants designated by a letter of the alphabet. Categories would be expanded, or collapsed into each others, on a seemingly daily basis. Some went into the slush pile, irrelevant for today, to be forgotten until the next time around. The disposition of each document put into a category was to be recorded (by the document's serial number) on a master list. Stacks or boxes of documents, by category, were spread out across the conference room table, on chairs, on the floor, designated by Post-Its or felt-tipped pen scrawled on the sides of boxes.

Sometimes a document belonged in two categories. We were told to put it in one of the stacks but to note on it with a Post-It which other categories it was in. Protests about the efficacy of this were met with brutal suppression.

Why not make copies of the multi-category "docs," some of us asked, and simply place a copy in each appropriate category? "It has been decided," we were told.

A week later we were told to do it over again, but to copy the multi-category documents and place a copy in each appropriate category.

One day we had a morale-boosting visit from one of the supervising partners, Larry Wiener, who was junior to Newman. Larry was an unusually handsome man, and well-coifed. He sat down at the conference table, rolled up his custom-made sleeves and, with a big smile, started sorting documents at \$280 an hour.

Kaye, Scholer was an informal place. "Larry," I said. "What are we doing?"

He looked up, still smiling. "Document review," he said.

"You know, don't you think we're really just ... sorting?" I asked, trying to make it sound kind of like a joke. Gordon pretended not to hear. Larry chuckled and scribbled on a Post-It.

"I mean, don't you think" I asked innocently, "we could maybe serve the client better" -- he looked up, his eyebrows arching ever so slightly -- "if we had paralegals do this?"

I suddenly realized no one else was talking. Gordon kept his head down, pretending to be riveted to his pile of paper.

I knew what he was going to say. I just wanted to hear it from him again: *This is substantive review which requires an attorney.*

Larry, however, didn't miss a beat. He smiled again. "Are you kidding?" he said. "This is our bread and butter around here!"

Everyone relaxed, laughed and went back to their banter. I just stared at the top of Larry's marvelous haircut as he looked down into his pile and sorted.

The Vortex

My planning for my higher education hadn't gone much beyond the tin trash can in the bedroom I shared with my brother. It was decorated with scores of little colored pennants, each emblazoned with the name of a different college. When we moved from Brooklyn to New Jersey, my father said that when the time came I would start out at "MC³" -- Mercer County Community College -- and then transfer to a four-year school, a very economical approach.

But when I was a junior in high school I met Larry Chang, a Princeton admissions officer, at the spring college fair. A young guy, only a year or so out of Princeton himself, he was politely humoring my unqualified classmates as they buzzed about his brochure-laden table. I somehow found myself asking him what kind of SAT's someone would need to be considered seriously by Princeton. He responded by asking me what mine were, and I told him I'd gotten a 1310 the first time out. Though below-average for Princeton, it was the closest score he'd heard that morning. He gave me his card and invited me for an interview over the summer.

Now I was inspired. I had stimulated Princeton's interest. Princeton - that would really be something, a trip to the moon. What if?

I started thinking. I did have a high class rank. But I was a demographic disaster, another Jewish kid from the suburbs. If people who got into Princeton needed contacts, or alumni fathers, or something -- whatever *it* was, I wasn't. True, I had an unusually broad range of responsible involvement in extracurricular activities -- drama club, choir, rock band. That's nice. Next?

The application materials insisted that, besides the numbers, Princeton was looking for "something special." I needed to make myself stand out. Then it hit me: roll out the *SMOWN*.

The *Semi-Monthly Off-the-Wall News* (the "*SMOWN*"-- rhymes with bone) was a mimeographed "underground" school newspaper. I had written for *SMOWN* as a junior and taken over as a senior. *SMOWN* subverted bucolic, if not bovine, Hightstown High School. Very few people knew who put it out; unfortunately, only a handful of teachers knew their pupils well enough to reveal what should have been obvious. We strove to be funny, and sometimes were. The *SMOWN* was actually somewhat feared, a power we only wielded in the service of either good or evil. In any event, the *SMOWN* was certainly something different.

My summer interview with Larry Chang was my first foray onto the storybook Princeton campus since I took a guided tour as a 12-year-old. The

admissions office was in an Ivy-covered building, West College, which was one of the original structures of the university. Though outfitted with IBM Selectrics and daisy-wheel computer printers, the musty smell along with the creaking steps leading to Larry's second-floor office betrayed the building's age.

We talked about Princeton, and about my interests; we talked about Elvis Costello. Finally the point came where I was sufficiently confident of his candor to broach my question. I leaned into the dust lit by the sunbeam coursing through his office window and, taking a conspiratorial tone, asked - confidentially if "something like" the *SMOWN* should be mentioned on my application.

"Mentioned?" he said, his eyebrows arching. "That's exactly what we're looking for. Send me some!"

The *SMOWNs* editorial quality was, to put it kindly, adolescent. Of course, we were adolescents. We did it for fun. But now maybe it would show some profit, too. I hoped Larry would be impressed by the creativity and initiative the whole enterprise evidenced.

He was. I got into Princeton. Learning the first lesson of elitism, however, I played it down -- so much so that I myself began to take it for granted. Soon it would seem just as inevitable to me as it had once seemed impossible.

My mother got me the *Preppy Handbook*. I feigned contempt but read it with interest. At first I regarded it as a field guide to the new and somewhat

terrifying kind of people I expected to meet. But then I began to read it as something of a manual. My brother Glenn said, quite earnestly, "Well, that's it then. You're going to be rich!" I hadn't even thought about that, but it sounded good. I spent the summer donning the new garb of The Princeton Man.

On the first day of Freshman Week, I bolted up the worn slate stairs of the vine-covered gothic donnitory, coming to a stop at a wide-open door across the corridor to my own room. Sitting on the floor opposite a huge stone fireplace and unpacking a trunk, was a handsome, compactly-built, square-jawed -- American. I stuck my head into the room and called out, "Hi! I'm Ron Coleman!"

He looked up, moving only the absolute minimum number of well-developed neck muscles necessary, and, smiling, stated simply, "Mike Montclair." Ooh. *Montclair*.

I was on *Montclair's* territory. He beneficently projected the poise of the ruling class, which I had never encountered before. Though Monty was a wrestler, he didn't seem to wrestle with anything. His diligence, which was extraordinary, was so focused that it betrayed nothing of itself. His father and older brother were Princeton men as well, but Monty always held himself out as a regular guy, proudly noting that he'd attended a public school (albeit in elite Pleasantville, New York), not some effete prep school. We regular guys became friends.

We both majored in economics. He was good at it. He wrote

meticulous study outlines in ball-point pen, making four-page-deep impressions on yellow legal pads. Then he sat at his desk and stared at these outlines all through "reading period," the ten-day pre-exam study period. He got practically all A's.

As for me, my worst freshman and sophomore grades had come in math and introductory economics, but I majored in "econ" anyway. I would have done much better in politics or history. But economics seemed like a good thing to know. It was a frequent topic of conversation in the Reagan years. I liked the discipline of it, and I hoped it would improve my analytical skills.

I didn't make study outlines, though. I didn't make study anything. Instead I became a Renaissance Boy. As in high school, I proceeded through a whirlwind of extracurricular activities in blithe ignorance about my future, figuring it would all work out. I acted. I sang. I wrote and performed gags for the Triangle Club's musical comedy revue and "danced" in a drag kickline. I broadcasted punk: rock at 17,000 watts on the college radio station, sold the advertising time, and wrote the ad copy for my clients. I mixed it up with the left-wingers. I worked for Soviet dissidents. I introduced my folks to Brooke Shields's parents. I got a D in Econometric Methods -- statistics for economics. What the hell. Ultimately I managed a B average while having the time of my life.

Late in junior year, though, I thought of *The Graduate*. It could be

dangerous not to know what you're going to do after college. Did I want to end up on a bus with Catharine Ross? At the last juncture -- high school -- I had just taken the SAT's (almost by accident), woken up and found myself in college. A good college education was supposed to lead to success.

But how do you get success? When does it happen? Would the rich people at Princeton make me rich, too? I had met a lot of rich people, but though the Montclairs were Westchester-comfortable, my mends were not rich. Wasn't Princeton supposed to lead to some kind of special employment? True, there had been one solicitation: Proctor & Gamble wanted me to join their team of bright young things *noodging* supermarkets to devote more shelf space to Crisco. I knew this was not my destiny.

My idea of wealth was not Donald Trump's. But ifl wasn't going to have a job and a car after graduation, and money for a new stereo, Princeton hadn't "paid off" financially any better than if I had taken up my father's offer: He had told me he'd buy me a car if I went to Rutgers, the state college, where I could major in business and commute to school. At least with Rutgers I'd have the car. With Princeton I had \$10,000 in student loans.

I boldly decided to make a feeble effort to figure out what was next. But that was like boldly deciding to speak only Swedish on Fridays. I didn't even know what the options were. I hadn't been exposed to professionals. Well, yes,

allergists and dentists, and the accountant who coached my softball team, but not much else. It was the middle of the '80's, but I didn't know what an investment bank was.

Show business -- that's what I really wanted. I was a head writer and lead player for the Triangle Club. I was on stage throughout the musical revue, acting and singing my own material and soaking up laughs and applause, which acted as ego-beams. I had written a special scene for Brooke Shields, and gotten to know her and her manager-slash-mother. I was interviewed by *Entertainment Tonight* and the *Daily News*. When asked by the *News* if I wanted to go into show business, I said I said I'd give The Biz a shot if someone would give me the chance.

I meant it as a hint, but it must have been too subtle.

Four years of elite college and I had no idea what to do with my life.

So in the fall of 1984, I did what everyone else who had no idea of what to do with their lives did: I turned my attention to law school.

* * *

My girlfriend at the time had been amassing law school catalogs and disappearing to Kaplan's Test Prep classes to prepare for the LSAT. Kirsten knew she wanted to go to law school eventually. She had even taken Constitutional Interpretation -- "coninterp" -- the law-school like course on constitutional law where "prelaws" read court cases. And she was a social-justice type.

The catalogs intrigued me. I liked applying for things. I liked filling in the little boxes with my neat block printing. I liked getting accepted.

And the catalogs certainly made law school sound interesting. They had pictures of ivy-covered halls, and of serious young adults spilling into the corridors discussing what I imagined to be the Scopes "monkey trial" and the rights of man and judgment at Nuremberg. They boasted of their law libraries -- 300,000 volumes, 600,000 volumes. All the earliest and all the latest. They told of their distinguished alumni -- senators, presidents, judges. Their alumni were represented throughout government, industry, academia, and of course in every station of The Law itself

The Law.

I'd gotten hooked on prestige. Over four years I had honed a perfect way to answer the question of where I went to college. I would calmly, mildly say "Princeton" while casually breaking eye contact -- at once modestly acknowledging the achievement, yet avoiding the embarrassing wall it almost inevitably dropped between the questioner and myself. Embarrassing, yes, but marvelous, for if there were to be a wall I knew on which side of it I wanted to be. Law school -- the right law school -- could keep me in that state of grace.

And then -- being a lawyer! I thought of how distinguished Monty's dad, a Harvard Law graduate, came across. My dad's cousin Hal seemed to enjoy

his legal career and often told me I could prosper in the profession. Then there was John Spier, an alumni trustee of the radio station with whom I'd become acquainted, a lawyer who seemed very cool and to know a lot of useful stuff I thought of leather-bound volumes, fountain pens, sealing wax. Maybe yes!

And there was the money thing. Law promised money. Mr. Montclair senior and Cousin Hal seemed pretty well off to me. Spier had an apartment on the East Side. And the better schools' admissions packets reported, amidst caveats and warnings, that graduates going onto jobs in New York were starting at \$50,000 a year. Starting!

People always said I should be a lawyer. Even cousin Hal thought I was a natural. But I had an image of myself as individualistic, and it seemed everyone who didn't have anything to distinguish himself was just trudging on to law school. I had developed some resistance to it.

The resistance, however, was artificial. Hal and everyone else were right. Wasn't I a natural? I always had the right words at hand, and loved to argue a point. My mind worked -- when it worked -- quickly and analytically, with a problem-solving bent. I liked politics and policy, enjoyed writing. And what better theater than the courtroom?

Why not, Kirsten asked, take the LSAT with her? You can go to law school in a year or never, she said, but see how you do. Practically everyone at

By December I had about 15 applications. I had about a one-in-ten chance of getting into a "national" school, that is, one of the 15 top-10 schools. My home region -- the northeast, Petri dish of ambition - lengthened the odds against me. But I had it figured out: With a one-in-ten chance at each school, all I had to do was apply to 10 schools, and I'd get into one. (Remember, I got a D in statistics.)

So, just to see what happened, I applied to about a dozen schools to which I had no right to apply. They all cashed my application fee. Then, through the spring, I opened my little student-center mailbox and, one by one, pulled out the "hose letters."

It was a Princeton custom to post rejection letters, or hose letters, outside one's door in a rite of self-humiliation. I would scribble handwritten footnotes onto the letters to translate what they said into what they meant. My collection of annotated hose letters actually became quite well regarded. People would come just to read my emendations, and I considered framing them and serving hors d'oeuvres.

Harvard rejected me by a letter dated the day after the card confirming receipt of my application was stamped "received."

Yale rejected me with the utmost dignity.

Stanford rejected me in a way that made me feel that they sincerely

regretted it.

Columbia rejected me.

NYU rejected me.

Chicago rejected me, efficiently.

Michigan rejected me, in a letter signed by the dean who'd come to campus and encouraged me to apply.

Cornell rejected me.

Penn rejected me.

Then there was Northwestern. A guy my dad knew from the bus had told him about Northwestern, with which neither of us was familiar. His son had graduated from the law school there. My dad's friend said it was a pretty prestigious school, and on the rise. I had looked into it, and he seemed to be right. So I applied. Northwestern sent me a postcard saying that they hadn't rejected me yet. If nothing better came along, apparently, they'd think about it. It wasn't the waiting list, but a deferral. I wasn't holding my breath.

I had also applied to Boston University as a "safety." *B.V.* was a good, solid school, known around the country. It cost as much as many better-regarded schools. Glenn was getting an engineering degree there. But the huge law school was a cut below the others in selectivity. So, liking Boston, I applied. Just because I didn't intend to go didn't mean I couldn't use a safety. I got in before

New Year's -- about a month after I applied. Four months later, I wasn't in anywhere else. I applied for housing at B.D.

Through the spring I played pool with the other Jewish guys (plus Monty, who usually won) at the Tower Club, my Princeton eating club -- a coed £fat-like social club dominated by pre-profe'ssionals. I watched and ate my heart out as my clubmates got into the toniest medical and law schools. People who never came across as particularly talented were in at Columbia but waiting for Yale.

After three and a half years, I got it. While I was being big man on campus, hero of a thousand extracurricular activities, these people quietly -- or at least, eventually -- retired to the library and prepared for exams.

Now they were leaving me behind. I'd hosed myself. Now I was going to my safety school with no other options. They didn't even have housing for me. I was just like anyone else, or maybe worse -- my admission to Princeton was apparently a quirk, a glitch in the cosmic grace-distribution system. Now I would pay it back in instalhnents of merely "above average" achievement for the rest of my life.

I brooded as the winter turned to spring. The climax of my life was behind me. I'd peaked at 21. Glenn said I could sleep on his couch while I looked for a place in Boston.

Then, one day in April, some mail came. Northwestern! Frankly, I'd

forgotten about it. It was a "thick envelope": I was in. It had forms to fill out and information to get me to say yes. The correspondence and materials were on nice bond stationery with a high rag content. This brightened my mood considerably.

At after-dinner pool that night, Marty Shapiro, who was from St. Louis, explained to me as I chalked up a cue that Northwestern was *great*. As my shot wildly missed the side pocket, Marty said that he had even considered going there over Princeton. Lining up the cueball and 4-ball in his sights, he explained that in the Midwest Northwestern was regarded as a top, top school-- "the Harvard of the Midwest" -- and slammed the 4 into the corner pocket, the white ball spinning to rest an inch from the void.

There. Harvard.

I settled in with the sedate, blue-grey Northwestern "announcement." The school was over a century old. The greatest American ever, Abe Lincoln, had given a lecture there before it became Northwestern. William Jennings Bryan, Adlai Stevenson and a current Supreme Court justice were alumni. Northwestern had just built a brand new building on its north-shore Chicago campus, where it was joined by the American Bar Association's national headquarters. The library -- 500,000 hard volumes, including many rare and valuable editions -- overlooked Lake Michigan. From this I deduced that somewhere near Chicago was a Lake Michigan.

The Harvard of the Midwest had an elite class of only 200 (on the

small side for "national school" -- the Harvard of Cambridge had 600). Yet over 400 law firms had come to recruit on campus the past year. Starting salaries were right in line with the other top schools.

Then, before graduation, incredible news: The renowned Cravath firm of New York had raised starting salaries for top recruits from \$50,000 to -- get this -- \$65,000 a year. And apparently everyone in New York was matching it!

This was a sign. Glenn was right: I was going to be rich. I had deserved to be hit on the nose with the rolled-up newspaper of Judgment. Instead the Angel of Mediocrity had passed my door, casting only a shadow, leaving me chastened but my precious prestige more or less intact.

This was my last shot at the top. So what if I had no idea what it was the top of

me last night," I protested.

"He certainly did," she answered. "I was in his office when he called you and got your answering machine. It was *hours* till you got back to him."

I admitted that in the evening I'd felt better. Jane and I went to Avenue J to get a pizza. We were back maybe 90 minutes later. And then I pointed out that Bob and I had spoken about the trademark section for two hours that night. I had even offered to come in if he thought it was necessary. Anyway, what on earth did that have to do with the franchise section?

Well, there was mumbling, muttering -- somehow, we ended the conversation. I sat, stunned. With just a few months' experience under my belt, and after a week of getting home in the wee hours, I'd produced a 35-page brief in one or two days, depending how you counted them, and had it on everyone's desk Monday morning. All day Monday I heard nothing, suggesting to me that no one had gotten to the brief until Bob called me that night. Nothing suggested to me that I should come in at 6 P.M. Monday, or that Elise had even seen the papers. If she was in Bob's office, why didn't *she* leave a message?

My stomach started doing Astaire and Rogers again, and my whole upper body starting vibrating like Middle A. I called up Jane. Stuttering with anger and fear, I told her the whole story, at least what I could get out. I was practically out of control. Then a knock at the door -- I told her I'd call her back.

It was Gordon. He'd left Elise's office as soon as she'd switched off the speaker phone. "Boy, no good deed goes unpunished around here, huh?" he

said, shaking his head. "You all right?" he asked.

I told him I was pretty upset. We talked about the discussion. He told me he'd come in once with 103.5-degree fever. Elise was really uptight, he said -- after all, the filing was tomorrow (for the fourth tomorrow in a row). "Don't worry," Gordon said. "I defended you as soon as she hung up. "

"What'd you say?" I asked.

"I said she was being too hard on you. You're only a first year. " I shot out of my seat. "That's a defense?"

"No, you have to understand, they're asking too much of you. This is much more than a first year usually is asked to do, in terms of responsibility." He had defended me by assuring Elise of my limited capability. "Don't sweat it," he said as he turned for the door. "She loves your work." I grunted a thank-you, and he left. Was it me, or did nothing make any sense?

Ambition 101

My adjustment to becoming a serious scholar was made easier by a luxurious policy of Northwestern's: A first-year's fall grades were "shadow grades," which didn't appear on our transcripts or figure in our future averages, but were provided to us as guidance. We were forbidden to show them to potential employers. This was something only a "very good school" could get away with. Its premise was that employers would consider candidates without knowing the result of their every foray against the bell curve, simply because they were at Northwestern. And indeed, by now over 700 firms from around the country were interviewing second- and third-years on the law school campus, right on the edge of Lake Michigan.

The fall semester for first-years was fairly standard: Contracts, Torts, Civil Procedure and Criminal Law. These were the four horsemen of the apocalypse to some of my classmates. I actually liked it. On the other hand, there was also a legal research and writing course, which gave me fits. Notwithstanding my economics background, I felt castrated by the dour linear analysis of legal writing.

Around New Year's, my fall shadow grades came in, clustered around B. Average. Statistically, this was even a more selective group than

Princeton, so average wasn't so average. I certainly wasn't as disappointed as Jenny Block. She drove her car onto the tracks at a railroad crossing, turned off the engine and waited.

My approach to academics remained somewhat more relaxed than that. But I believed I could do better. I had determined that the competition was beatable: They were primarily Midwesterners with accounting degrees. I was an Easterner with an *economics* degree.

The spring schedule was a little different from the one in the fall. Contracts and Torts, the bread and butter of business law, continued. But instead of "Crim" and Civil Procedure, we had Property -- which was mainly about the law of real estate and land use -- and a choice of several liberal-arts-type "perspective electives," such as International Law. A glutton for punishment, I chose Economic Analysis of Law.

That spring I read and reviewed, highlighted and annotated. I typed up outlines, the main tool of studying for law exams, on my computer. I even retyping commercially-published outlines so they would stick in my head, but also because some professors would allow anything into the exam room except a preprinted outline. (Others would let absolutely anything.) I made flash cards, and used them diligently, to learn the elements of each tort, since Torts was a closedbook exam.

When May came, I went into exams feeling as prepared as I could be. I toted my electronic typewriter to the non-smoking / typing exam room, notes tucked under my arms like young Ben Franklin carrying his loaves through

Philadelphia. Each time, I left the exam room not feeling much different from how I felt in the fall.

Before leaving at the end of the first year, everyone interested in applying for the law review had to pick up an application packet. Law reviews are journals of legal scholarship, edited by students but mainly written by law professors and other grownups -- one of the few features of the legal hierarchy that is completely upside-down. A law review article can, if it's a hit, effect the author's elevation to tenure, appointment to a better school or to an endowed chair (a big salary).

But very few law review articles are ever read. They serve two purposes, in themselves: drive demand for larger law libraries, and get into the footnotes of subsequent journals, where they recombine like verbal DNA.

Yet law review remains the brass ring of law education, the ticket to first-rung employment and judicial clerkships (being a law clerk to a judge). Employers and judges covet law review editors, in principle, for their experience with sophisticated legal research and analysis. If anything more than a teeny percentage of professional lawyering had to do with footnote-laden hyper-analysis of arcane academic topics, though, the doctors would have the golf courses all to themselves, because lawyers would be professors.

The reality is that law review membership shows ambition and a healthy acknowledgment of the profession's hierarchy. Judges and employers believe they're picking winners by picking editors. And as former editors

themselves, hiring only baby versions of themselves perpetuates their own platinum egos.

The main component of getting on the law review after first year was grades, but at Northwestern, to get in the game you also had to enter a writing competition. It was, however, understood that grades were all that really mattered. The competition was to weed out the completely unmotivated.

I was a weed. I had just spent myself on spring exams, and didn't relish the idea of more "homework." I had heard that the main benefit of law review was for someone who wants to be a judicial clerk. Why would I want to do that? Law clerks made \$25-\$30,000 a year. I was ready to make some real money.

The actual law-reviewing seemed inane, too. People on law review were constantly in the library. Why would I want to dedicate my nights and weekends to shining pearls of self-referential legal "scholarship" that their own author's mothers wouldn't read? Why would I want to give myself over to an endlessly expanding cycle of meaningless activity?

One reason might have been that law review membership was resume gold. But mine, it seemed, was working fine as it was. I had sent my resume to a medium-sized firm in northern New Jersey called Nunzio, Blumberg & Groman. Before leaving at the end of fall exams, I got a letter inviting me for an interview in December. Having no grades to show them, I could only offer Princeton, Northwestern and charm. Mike Blumberg told me it was Princeton that was going to do it; in February I got a letter telling me I'd gotten the job. The pay

was an amazing \$700 a week -- a taste of wealth. I celebrated by buying a leather bomber jacket at Banana Republic.

So who needed law review? My credentials were already doing what I had bought them for. It was 1986, the peak of the legal economy. Employers were falling over each other for warm bodies from "top" schools. Thus even if my grades didn't come in law-review level-- virtually assured, since I knew I was heading for a miserable C+ in legal writing -- I would probably get a second-year job that I wanted anyway. That second-year job sets you up for a fulltime, post-graduation offer. The firms used the second-year "summer associate" classes as a last-chance inspection of their new recruits a year hence. Most of them extended permanent offers to all but the most inept or inebricated second-year summer associates.

The need for law review, then, seemed less than urgent. And, frankly, based on my ho-hum shadow-grade results, it would require a Biblical miracle to overcome the C+ in legal writing.

Halfway through the summer at Nunzio, the grades came in from Chicago.

Back to reality. Next fall's job hunt, maybe my career, rode on these grades. For the first time I could remember, I was nervous about a grade report. I felt my metabolism shift gears as I gingerly pulled apart the perforated mailing. One the inside of one sheet, the square of black carbon that enabled the computer printer's impressions to show up as print. Facing that, the print.

Torts: A+. Property: A+. Economic Analysis of Law: A+.

I got a B in Contracts, and the writing grade was what I expected. But the other numbers -- three A-pluses! Guess I should've done the law review competition.

Still, I sleepwalked through the rest of the summer. Next fall, I knew, I would be the toast of the New York recruiters. Wherever it was I was going, I seemed to be on my way there fast.

A+’s. I would have made the law review if I’d competed, but it seems to matter little. I anticipate a fun autumn of recruiting.

Chapter 4

Seven hundred law firms descend on Northwestern in the fall of 1986, including scores of top New York firms. They fly us out to the best hotels, wine and dine us, and sometimes offer us jobs. I go on nine interviews with New York firms, get seven callbacks, and five offers. I end the recruiting season early.

Ultimately I choose Kaye, Scholer, which a New York University Law School mentor tells me is a "place for nerdy Jewish guys," which sounds about right. As a second-year summer associate I share an office with Gordon Levy. He's not a nerd. He's a workaholic former biker and rocker who is hell-bent to make up for lost time and a modest academic background recently crowned with law review (hence his shot at the big time). He's the only summer associate who reports staying until 16 a.m. In contrast, I am monarch of all I survey, and avoid breaking a sweat. Levy, meanwhile, becomes a favorite of a number of power partners.

But summer associateship is not for work. We go to cocktail parties, Mostly Mozart, a "booze cruise" on a huge luxury boat around Manhattan Island. Free lunch after free lunch. A Greenwich country-club outing, with golf tennis and whatever else you do at a country club. After scarfing down cold cuts I take off. They also have a pool party which I have to miss, but I'm glad not to have to show myself in a bathing suit.

At the end of the summer, I'm offered a full time position for autumn 1988, as is everyone else in the class. But I don't come back until the fall of 1990. In the interim I marry Jane, a former corporate associate at the firm of Savage, Lieberman who now edits law books, and get a post-graduate degree. Kaye, Scholer, flush with work and anticipating a steady need for warm bodies, generously defers my starting date.

Chapter 5

My first job: litigation associate at Kaye, Scholer. I have been prepared for this by seven years of higher education, the bar exam and the Florsheim on Coney Island Avenue. I meet Gary Thomas, my bright but green office-mate from Alabama (by way of the Rutgers Law Review).

Six months into the job the action has picked up. Round-the-clock legal research and writing prompt recollections of studying for the bar exam, where I honed to perfection my ability to master and manipulate piles of arcana. I am assigned to a blitzkrieg attack team on a fast-breaking case where we attempt to shut down a gasoline franchise selling bootleg gasoline, on behalf of our oil company client. I work with just two other lawyers -- partner Elise Shore and none other than my former office-mate, third-year star Gordon Levy.

I churn out briefs and papers, run down legal research questions, but while my work is occasionally praised as unusually precocious, I am criticized for failing to read minds and signaling an interest a family life. Shore seems as nice as pie, but has a repertoire of facial expressions that I learn too late are expressions of horror

Trial by Fire

It was October 1990, my first day of work. I knew from my earlier sojourn as a summer associate that my new office at 425 Park wouldn't offer much of a view. Unlike the colorful retail boulevard of Fifth Avenue, staid Park was lined with dozens of soul-less International-style buildings like ours. No newsstands, no bus stops. Something as proletarian as a parade had no business on Park Avenue.

But Park Avenue had processions of a different sort. At night it sparkled with the headlights of a million taxis, lined up along the broad but tidy avenue. Dutifully surging uptown, downtown and cross-town, they clashed at the intersections, pushed against the manicured center medians, making slow but inevitable progress along the grid. When I rounded the corner of 53rd, negotiating the plaza under the Lever Brothers Building and onto Park, I wanted to breathe it in: Commerce, order, concrete -- and, in the aggregate, purpose. It was a freemarket model of God's universe.

Now I was ready to take my place in that system. Of course, that meant I had to dress appropriately. For day one, I chose a double-breasted, green houndstooth-print suit (perry Ellis, a generous cut) from Syms, and my good-luck scarlet-tipped-with-gold interview tie. My 91f2-EEE's were clad in stiff: shiny-

black wing-tips from the Florsheim on Kings Highway in Brooklyn. They had already started chafing when I got on the clunky elevator at 425 Park and reported to the tenth floor for orientation, along with a handful of other new recruits.

After about an hour of orientation things, I was shown to my office.

Each first year shared a window office with a classmate. My office-mate, Gary Thomas, was at his meticulously neat desk, and rose to greet me. "Hey!" he said, with big smile. He was slim, about my height, with thinning brown hair and dark eyes. Having moved in first, he had the privilege of choosing desks, so he chose the one right in front of the big window that overlooked East 56th Street. Our desks both faced out the door, with mine in front of his, so I actually got the better deal: When I turned around to talk, I got to look out that window, whereas he had to look at the wall in front of my desk, or the back of my head.

Atop my desk was a full complement of forms of an office-services nature, asking me to choose a form of name for business cards (*Ronald D. Coleman*) and for memo pads (*From the Desk of Ron Coleman*), plus supply requisition sheets and phone lists for the New York, Washington, L.A. and Hong Kong offices.

There was also a copy of the face book, a looseleaf binder distributed to each Kaye, Scholer attorney. Each page had a single photo of a Kaye, Scholer lawyer, and listed the schools he attended and the bars to which he was admitted. (We'd had our pictures taken for the book during orientation that morning.) This book was of critical importance. It allowed attorneys, upon receiving an interoffice phone call, to read the name of the caller (which read out

on their space-age phones), quickly look them up in the face book, and see if they had ever met the colleague who was calling. It also allowed lawyers to scope out the cutest new associates.

As I sat down and distributed the stack of office supplies into the drawers, shelves and slots of my choice, Gary and I got to talking.

Gary was an Alabama boy, but had virtually no southern accent, certainly no more of one than someone from southern New Jersey. He certainly wasn't a rube; he had a copy of *Cranta* on his desk, and I later learned that he'd majored in classical philosophy. But like most southerners he was good-natured and genial, and it took us no time to warm up to each other .. As I arranged the paper clips into appropriate desk-set containers by size and anticipated frequency of use, we traded thumbnail histories and worked our way into some kind of theological discussion.

No assignments came that day. Over the weeks, the work only trickled in. Gary Halpern, an old friend from my summer associate days, told me to enjoy the slow days when they came. "Use them for shopping days," he laughed. "You won't have too many."

"Shouldn't I tell Farmer I'm not busy?" He

laughed again. "What, are you nuts?"

After a few more weeks of calling mends to give them my new work number, Farmer found me a real case to work on. Elise Shore, a former Assistant U.S. Attorney who was now a partner, needed help with some research on trademark law. The research assignment turned into a full-fledged staffing

proposition. The senior associate on the case was Gordon Levy. By the end of the week, Shore had staked a claim on me.

By late November, working with Shore and Gordon, I did something I had never done in college, law school or life: an "all-nighter," the legendary stuff of big-firm New York practice.

My previous experience in life had been that when you got tired, you went to sleep. This is what less advanced creatures do. But now I had to take assignments, such as revisions to written work, from partners who had spent the evening examining the day's efforts. They expected the problems to be fixed when they came in the next morning.

If you played it right, you could get the sleep part in between the time you dropped the revised work on the partner's chair and the time she would be ready to critique it again, maybe early that afternoon. Only in rare cases would you be required to be available, after an all-nighter, for another full day's work starting at 9:30 - though some, hopped up on coffee and heaven knows what else, did just that as an exercise in associate machismo.

My first watch-the-sunrise experience came somewhere between Sunday and Tuesday; where each day started and ended is arbitrary. The assignment had begun during the middle of the previous week. Elise and Gordon were revving up to file a motion for a temporary restraining order and preliminary injunction on Friday, using some of my research plus the typically huge amount of work Gordon had put in. Time is of the essence in these motions, because if you drag your feet, the judge isn't inclined to get too exercised about the "irreparable

hann" you're asking him to stop before there's even a trial.

Our client was the ubiquitous Petrolco. The company had franchised a service station to some shady characters. Under the franchise contract, the gas-station owners had to sell only Petrolco gas, with their heavily advertised Glycerine Vibrafoam additive. This clause of the contract is how Petrolco made its money, since it guaranteed them a certain level of gasoline sales at that location. In return the franchisee got to use the famous, and well advertised, Petro1co symbol, one of the best-recognized and most valuable trademarks in the world.

Petrolco began to notice a substantial drop-off in gasoline purchases. But the station remained open. Obviously the owners were buying gasoline from somewhere else, undercutting Petrolco's whole purpose in granting the franchise. In this case, the Vibrafoam additive had also been aggressively marketed as a new, improved engine-cleaning performance-enhancer. Petrolco feared that plain-vanilla gas wouldn't have the additive -- at best. At worst, the station owners could be filling the tanks of loyal, unsuspecting Petrolco customers with vichyssoise.

On this basis, we decided to use the extraordinary powers of the trademark laws to shut down this station and freeze the owners' accounts and records. Our argument was that Petro1co's trademark, which stood for Petrolco gasoline with this great additive in it, was being degraded by the station owner's "palming off" no-name gas for Petrolco gas. The owners were getting the benefit of the Petrolco marketing program and customer recognition. Besides basically

stealing from Petrolco, the owners were defrauding the public, which came for its Petrolco with Vibrafoam.

Judges don't like when you defraud the public. This argument had won before. The question was whether we could shut them down fast enough and hard enough to send a message to all their gas-station-owner friends that this game wouldn't fly with Petrolco.

For various reasons-- strategic, legal, client-political, firm-political -- the motion wasn't filed till the following Wednesday. "Filed," of course, means delivered to the court. A filing is a major litigation event, depending on how important a document, or pleading, was being filed and how much money the client had to invest in polishing, quadruple-checking, proofing the proofing, and assorting lily-gilding.

Petrolco was a very important client, which one of the firm's founders himself had schlepped into the firm. Everything filed for Petrolco had to go past at least six sets of eyes. I'd write a part of a brief, Elise would say she loved it, then would give it to Gordon, who replaced all the evocative, colorful, and other immature language with the well-worn formulae of corporate legal writing; then Elise trashed it again, and so on. Then we'd send it up the Petrolco pipeline and get it back three days later, "refined" like Texas crude into utterly unrecognizable form.

All these delays meant I had to be on hand (and, as the junior lawyer, the last one home) for four consecutive eves-of-filing, complete with overtime secretarial help, late-night take-out and hair-pulling races with the court's

office hours. But each time, at some moment before the papers would be allowed to take wing, some reason would be found (though never revealed to watercarriers such as myself) why it would have to wait until tomorrow. It was one thing to do this one night, or two. Stretching this routine into the better part of a week, however, began to take its toll on me.

Now, however, we were absolutely, positively going to file our papers on Monday.

My job was to make all the changes the higher-ups indicated before going home earlier in the night, sit around while they were typed in by word processing, "proof in" the changes, and, otherwise have the package ready for the unlikely final approval on the seniors' return the next morning. Then zillions of copies would be made and a fleet-footed messenger would file it with the court clerk. In the more likely event that someone would decide, because of the phase of the moon, not to file them that morning, it didn't make much difference what I'd done the night before~ I could've stood in bed.

I spent Saturday night in the office, returned midday Sunday to pick up the changes word processing had made, and worked until 6:30 AM Monday. I came back to the office at 3 PM on Monday and stayed till 3:30 Tuesday morning; then came back at 11 :45 AM. At four that Tuesday afternoon, I sat in Elise's office.

Elise seemed nice, nice as pie really. Elise had been very considerate and concerned when, a few months earlier, Jane had a miscarriage. But she had a repertoire of facial expressions which, I learned too late, were not what I

thought they were.

Elise told me that we'd *actually* file Wednesday. The papers had to be "reviewed," though at this point the only thing that hadn't been done with them was fold them into paper hats.

In the meantime, some new papers had come in from the opposition. They required fast attention. Elise asked me if I wanted to take a crack at it. A fair question, and really quite a vote of confidence for a first year.

What I needed, however, wasn't confidence. I needed oxygen. Clearly, nothing was as much of a rush as it was made out to be, and for that matter everything I did was utterly unrecognizable the next time I saw it. I took a deep breath. „ If you're asking me," I said, "I have to tell you the answer is no."

Elise responded with The Face. Her mouth was open -- or was it a smile? -- and her forehead akimbo. I knitted my brows but otherwise remained motionless. What did she mean by "Face"?

Gordon was more explicit. He wheeled around, his eyes as wide as someone working on four hours sleep can be. Before he could speak, I continued, "If there's no other way it 'can be done, I'm ready to do it. It's my job. But if you're really asking me, after four nights in a row where we're supposed to be 'filing tomorrow,' I'd like to see my wife. "

Well, Gordon just hit the roof "I spent three years working till midnight!" he exploded. "Who are you to bug out now? And a first year! I have a family too! Why don't you •• "

I stayed calm. "I wasn't talking to you, Gordon," I said. "I was

talking to Elise. "

Elise held up her hand in a "stop" sign. She made a variation of the Face -- to me? To Gordon? Then she said she understood how tired I was. Maybe she could get someone to do some research today, and I'd pick up on it tomorrow. I said that if it was something like that, it didn't sound so urgent after all. Maybe I could do it tomorrow. She nonetheless picked up the phone and arranged to have someone else start it. Gordon sat there simmering, which actually improved his light grey complexion.

Shortly afterwards Gordon ambled into my office, and apologized for blowing his top. "I guess just because I've let them do it to me doesn't mean you have to let them do it to you," he said.

"They dump on you, Gordon," I said. "They know you'll kill yourself to please them. So what do they care as long as it gets done? I'm ready to do whatever the job requires; I know I'm getting paid a lot. But do I have to volunteer for kamikaze duty if there's a choice?"

Gordon nodded, but I could tell that his heart wasn't in it. Not because he was insincere -- he harbored no hard feelings -- but he was skeptical that there was room for reasonable analysis of when to stay overnight and when not to. He had always maintained that, no matter how stupid or pointless, his was not to reason why. That would explain how a guy who was making over \$100,000 had the utilities shut off at his house. He did so little reasoning why that he didn't have time to pay the bills.

Well, I was still employed, and I'd drawn some line in the sand over

controlling my life. But what was that Face?

We filed Wednesday. Gordon didn't hesitate to tell me what was wrong with the papers I'd represented as perfect for filing. He explained that you haven't checked them until you've taken a ruler and placed it under each typed line on the page, examined that line for typos, and continued down the page, through each document. Twice. For several hundred of the client's dollars you could then uncover stray commas, fugitive parentheses and marauding ellipses that had four periods instead of three.

Though the filing had actually happened, the gods demanded more sacrifice. There would be many more filings, and we kept rolling along. One night after 10 I dropped off the latest draft of a brief section I'd been writing. Elise looked up and said, "Great. What are you going to do now?"

I thought, How nice that she expressed an interest. She knew that Jane was pregnant again. I'd mentioned to her also that, in her first month of pregnancy, Jane would get very nauseous. It was all she could do when she got home from work to lay herself out neatly on the living-room couch.

"Since Jane's out of commission," I said, "I thought I'd go home and do the Passover shopping." Passover was about a week away, and the Brooklyn stores were open all night to allow for the extensive purchasing and preparation.

Major Face. Mouth open, eyebrows up, eyeballs pointed to Gordon. Gordon was silent. I swear it took me five years to figure out this Face. I figured she was amazed that I was going grocery shopping in the middle of the

night. "Oh, okay," she sputtered. Looked at Gordon again. "See you in the morning," she said.

"Bright and early!" I responded, naively spinning around and heading home for a night of marketing. I figured, I've worked into the night tonight -- no question of dedication. She hasn't asked me to do anything specific. She always seems interested in how Jane's feeling. She must be happy to be able to let me run out now. Certainly she isn't expecting me to volunteer for a new assignment at 10:30 p.m.?

Right?

* * *

Everything I knew was wrong.

After a slight pause following the filing of that brief in March, things *really* started to cook in the Petrolco case. Gordon was doing yeoman duty tracking the paper trail of fraud, and illuminating a network of dummy companies and a connection with Brooklyn's Russian mafia. I was kept busy with a steady stream of research and writing.

The last two weeks featured car service home every night. I would slump down, wedging myself into the nook where the cushion, the door and the seat-back met, trying to minimize the carsickness induced as each night's Soviet emigre careened his Lincoln across the FDR Drive like a pinball. I would be out by the time we hit the Brooklyn Battery Tunnel, and when I awoke at Ocean Parkway and Avenue I twelve minutes later, I felt fresh as a daisy.

Sunday I wrote the draft of the trial brief, a substantial document

which set out everything we would theoretically argue, legally and factually, at trial. Jane said she didn't remember first-years writing important briefs when she was at Savage, Lieberman, and we agreed that this seemed to be another vote of confidence. Clearly I was the person whose work Elise loved to eviscerate.

The brief was comprehensive. Besides sketching out all the legal issues, I had to glean facts and testimony from pillars of deposition transcripts I'd gotten only the day before. Luckily, Gordon, who knew the facts first hand, had written the preliminary statement for the trial brief. We wanted to file it the next Wednesday, since the hearing on the preliminary injunction motion was on Friday.

I circulated two drafts of a proposed outline on Thursday and Friday, and promised Elise a draft of the brief Sunday, which I delivered Monday morning. It was an impossibly tight schedule, but precisely what expedition is all about. We knew that the bad guys (and it helped in this case that they really were bad guys) could never keep up with us. The question for me was whether I could keep up with us.

So Sunday I worked practically nonstop through the day and night -- writing, rewriting, merging, cloning, filling in holes with new research. I'd take a short break every hour or so, trudging down to the eighth-floor cafeteria in my stocking feet, my Kaye, Scholer ID. in hand to open the electronic locks between floors. Down I went with a dollar, up I came with a Coke. Some Wise potato chips. And all that Hershey's stuff. Good way to get through the wee hours. I never could stomach coffee.

Finally, sometime around 2 A.M., I proofread the draft, made a last

set of comments, gave it to word processing for final overnight revisions and early-morning delivery to the appropriate desktops, and called a car to take me back to Flatbush. At my desk I drained the last inch of warm Coke and put my tie back on while waiting for the service to call me back with a car number. It was glamorous, no? I was now a legal Superman.

Monday morning, the effects of a week of all-nighters arrived like kryptonite. My hands shook like willow branches in a summer hailstorm. My stomach was auditioning for the Flying Wallendas. And my head felt like rubber cement. After an hour, I realized I wouldn't make it into work -- I wouldn't even be able to get the subway token in the slot. I went back to bed; about 11, I woke up and checked in. Everyone had their drafts of the brief, and it would certainly require them plenty of time to do what they were doing and read through it. I figured I'd keep in touch with the office. Elise was so busy juggling projects on the case that the whole day might go by before anyone needed me.

My secretary mentioned that there was a message from Bob Wise, the trademark expert. I called his office, but he was out. I left a message that I'd returned his call, left my home number, and chilled out. I didn't hear from anyone else the rest of the afternoon, and decided to play it by ear. Maybe I could steal the day and go in Tuesday morning like a human being. That evening, when my wife returned from work, I felt a little better. Since I'd been in the house all day, we decided to go out for a bite.

When I got back, there was, exactly as I feared, a message from Bob on my answering machine. The message was not tresh; the phone must have

started ringing just as we walked into the elevator on the way to dinner.

I quickly called him back. Bob asked how I felt now. He had a few comments on the draft, which he'd gotten to after the seminar, in the late afternoon. He had another first-year there, whom he said was doing some minor research to fill in some gaps, and cite-checking everything. I asked him if I should come m.

"No problem," he said. "It's under control." He wanted me to make some fundamental changes, though, for the next day. He called back a few times throughout the evening, always apologetic about calling at home, though I insisted that it was perfectly justified and understandable, and offered again to come in.

The next morning, as I sat down to make Bob's changes, Elise called.

"How are you feeling?"

"A hundred percent, thank you. I was really whacked. "

"How's it going on the brief?"

"Well, I'm putting in Bob's changes to the trademark section right now, and sending them up to word processing."

"And the rranchise-law section?"

"Well, I haven't heard anything about it. I'm starting on the antitrust reply brief now while the trial briefs in word processing. "

"It's all wrong -- the trial brief It has to be redone. "

Then Gordon, who was in the room with Elise, chimed in on the

speaker phone. "Y ou're telling me you haven't done anything on the franchise-law section? And you 're starting the next brief? I'm very troubled. "

I'm very troubled? A third-year associate gets to be "very troubled"?

Anyway, that wasn't my problem at the moment. It turned out that the franchise-law section was exactly what Elise knew she didn't want in a franchise-law section. I asked her why she hadn't pointed that out to me over the course of two fairly detailed outlines - grade-school-style, with Roman numerals, letters and numbers - I'd prepared for her just for that purpose.

"I'm not wed to the outlines!" she replied through obviously gritted teeth. It sounded a lot like that Face. "Where does it say I'm not allowed to make changes?"

"You have every right to your changes," I quickly assured her.

"Any time, any way. You're in charge. But what I don't understand is how Gordon can say he's 'troubled,' when I worked off an outline everyone has had for a week and I haven't heard anything about it till just now. "

The speaker phone switched off, and as she spoke into the phone, Elise's voice took on even more tension.

"I am sitting here, furious -- do you hear *me,furiuus!* You just heard about this now? You were gone all day yesterday. I hope you had appendicitis! Because that's the only justification I can *imagine* for not being here. When are you going to realize that you are part of a *team* here?"

I started sweating. "Bob Wise didn't have any trouble contacting