

Putting Lipstick on a Pig

Michael Bowen

Poisoned Pen Press



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First Edition 2006

10 9 8 7 6 5 4 3 2 1

Library of Congress Catalog Card Number: 2006900729

ISBN: 1-59058-287-X Hardcover

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Printed in the United States of America

For JHB, with deep affection and, as always, high hopes.

Author's Note

In Vietnamese culture, a person's family name comes first and his or her given name second. Thus, if Mr. and Mrs. Duong have a son and name him Nguyen, he is known as Duong Nguyen. Vietnamese who emigrate to western countries adapt to the different naming conventions prevailing there in a variety of ways. Some simply retain their Vietnamese names without change: Xu Ky continues to be Xu Ky. Some (for themselves or their children) anglicize the Vietnamese name: Xu Ky becomes Sue Key. And some retain their Vietnamese given name as their family name and anglicize their Vietnamese family name: Duong Nguyen becomes Don Nguyen.

December 2003
Indianapolis, Indiana

Chapter One

The instinct for justice is rooted so deeply in the human soul that even the finest law schools can't eradicate it entirely. Not quite two years after MacKenzie Stewart's phone call, Rep Pennyworth would find that noble truth highly inconvenient.

"Reppert, I'm calling with bad news," was how the call started. "Vance Hayes is dead."

"What's the bad news?"

This wasn't a joke and Stewart didn't laugh.

"He tabbed you for the eulogy," Stewart explained in his chiseled voice with patrician *gravitas*. "Last time we updated his estate plan, after the diabetes hit."

"That bastard," Rep muttered.

"*In re*: Hayes, 'bastard' has already been done. Try to come up with something a bit fresher for the eulogy. *In causa mortis* and all that."

In causa mortis—in contemplation of death. Requests made with the River Styx lapping at your wingtips and Charon's barge looming into view command special deference.

“They must have caught the diabetes very late,” Rep said. “I didn’t think it was terminal as long as you took care of it.”

“The diabetes didn’t kill him,” Stewart said. “He took a small hours snowmobile ride over something called Lake Delton in Wisconsin Dells. Three sheets to the wind, left the snowmobile, hit a weak spot in the ice, and plunged through. It took them two full days just to fish his body out.”



“I don’t suppose you could say no?” Melissa Seton Pennyworth frowned when her husband gave her the news. “Considering that Hayes tried to destroy your legal career and everything?”

“Some Indiana lawyer has to give the eulogy, and Hayes did something nasty to every attorney who crossed his path.”

“You’re a saint,” she said, kissing him on the forehead.

“Or a wimp.”

“I exclude wimp *a priori*, without consideration of any evidence.”

“Your dogmatism is charming.”

“I know Ken Stewart has sent you some nice trademark work, but I’ll bet a lot of lawyers would have refused anyway.”

“Stewart is the one who saved my bacon on the complaint Hayes filed against me with the bar disciplinary committee. That was before Hayes took his trust and estate work to Stewart, so he didn’t have to recuse himself.”

“I didn’t think it was that close a question,” Melissa said. “All you did was take a deposition when Hayes didn’t show up. It wasn’t your fault that he didn’t bother to open his mail and read the deposition notice.”

“Hayes denied ever getting the notice, although our file said it was properly served,” Rep said. “They could have spun it Hayes’ way if they’d wanted to. The gentlemanly thing for me to do when Hayes didn’t appear and didn’t answer my phone call would have been to postpone the deposition. But law firms pay second-year associates for zeal, not manners.”

“And Stewart was the one who precluded the unpleasantness and expense of a full-scale inquiry?”

“The way the story came to me, staff counsel summarized Hayes’ complaint for the disciplinary committee. Everyone waited for Stewart’s comment, because he was the senior member. His reaction was what the *New York Times* bashfully calls a ‘barnyard obscenity.’”

“Two earthy syllables that combine rustic elegance with Midwestern resonance?” Melissa guessed.

“An ear-witness told me that Stewart said it with that genteel, old-money, Groton-Yale-Virginia Law School *éclat* that no one does better than MacKenzie (please call me Ken) Stewart. Sort of like the *Upstairs* half of a Masterpiece Theatre presentation. ‘Bulllllshit,’ with the voice going up a bit flippantly on the second syllable. Someone said, ‘Second the motion,’ and that was all she wrote.”

“I see the impossibility of your position,” Melissa said. “But can you come up with anything nicer than ‘bullshit’ to say about Hayes?”

“That will be a challenge. I’ve called Polly Allbright, the secretary who worked for Hayes for over thirty years.”

“Devoted?”

“Hated his guts. I asked her if there was anything warm or human or decent he had done that I could talk about. She thought for about ten seconds, sighing audibly. Then she said, ‘He let me smoke at my desk.’”

“Not terribly promising,” Melissa said.

“On her thirty-fifth birthday he gave her a Piaget lighter, because he said he wanted her to be thinking of him sometime when she was happy.”

“Well,” Melissa sighed, “that’s a start.”



The game effort Rep made during the ten days it took to get Hayes’ body back and finalize arrangements didn’t improve very much on that lame beginning. Former Hayes clients whom he

managed to track down described the deceased as a soulless legal machine. Hayes' closest living relative told Rep that she had spoken to Cousin Vance once in the past nineteen years. An attorney who had litigated against Hayes said that if he thought there was the slightest risk of meeting Hayes in hell, he'd step up his church attendance.

Hayes' brother had died in Vietnam, and Rep thought he might use that to soften the edges of the caricature. But hundreds of thousands of Americans had lost loved ones in the Vietnam War without turning into bastards. In a sense, Rep had lost his own mother to the conflict.

Nine days later Rep was still poring through three manila folders worth of Hayes files. His legal pad held only thirty-seven words, none of them promising. Rep leafed again through the top folder. A bullying letter to a local bookstore threatening a class action unless he were given the Loyal Patron Discount despite his paltry actual purchases. Pamphlets from anti-tax organizations. Travel agency billing records. Three pages of—

Whoa. He turned back to the billing records. In the last twenty-two months of his life Hayes had made seven trips to Singapore, Hong Kong, and Bangkok—not obvious off-season destinations for an Indianapolis attorney with a bread-and-butter litigation practice. A tiny gleam of hope briefly flickered. *Something interesting? A late-blooming fascination with Eastern religion? An unsuspected taste for Southeast Asian art?*

The phone rang and Rep grabbed it.

"Hank Llewellyn, returning your call," the voice said briskly.

"Thanks for calling back." Rep recognized the name of a lawyer who years before had managed to last eight months as Hayes' associate. "I'm looking for something decent I can say about Vance Hayes for his eulogy."

"Good luck. Can't help. Goodbye."

The next day, Rep fell flat on his face before the eighty members of the Indiana bar who bothered to appear in one of the courtrooms where Hayes had browbeaten scores of witnesses. After twelve minutes of thudding and leaden banalities

he abandoned the lectern to damn-with-faint-praise applause, wondering if Hayes himself wouldn't have preferred that Rep offer instead several examples of the small-minded pettifoggery and mean-spirited malice that had studded his career.

"I'm surprised you didn't mention the *Leopold* order," Allbright said, to Rep's mystification, when she bumped into him on the way out. "But I guess you can't put lipstick on a pig."

Rep found little consolation in the well-meant (if baffling) comment, and still less in the reassurance Stewart offered him on the way to the cemetery.

"No one could have surpassed the presentation you gave," Stewart said as his Chrysler Imperial joined the funeral procession.

"That's the most elegant D-plus I've ever gotten."

"You have to play the cards you're dealt." Stewart shrugged. "Your task would have been challenging under any circumstances, but the existential absurdity of the way he died made it impossible. A plunge through thin ice during a midnight joy ride, with Jim Beam as accessory before the fact. It was as if Hitler had been run over by a bus. You were like a Greek chorus pushed on-stage during a French farce."

"You're right. He died in Nunn Bush dress shoes and a Brooks Brothers sport coat, with a shoehorn in one pocket and nine thousand soggy dollars in another. As accidents go, it was absurd."

"And suicides aren't terribly useful eulogy material."

"Suicide?" Rep asked in surprise. "Drowning yourself in icy water seems like a pretty complicated and unpleasant way to take your own life."

"Not conscious suicide, maybe," Stewart said. "Hayes hated the idea of living with diabetes while he played out his string. The police report computed his blood-alcohol level that night at point-oh-nine—legally drunk. In that condition he sometimes tended to pull off-the-wall stunts, death defying in the literal sense—challenging Death to come dance with him if it dared."

"The wrong guy gave this eulogy," Rep said. "That was better than anything I managed."

Rep didn't buy "legally drunk." He remembered Hayes at half-a-dozen Judges' Night receptions and State Bar Convention cocktail parties. Hulking, leather-skinned, owl-eyed, all but bald, two hundred thirty pounds of muscle, bluster, and bad manners, downing a Jack Daniels neat, immediately ordering another, and telling the bartender to have a "traveler" ready for when the chimes summoned everyone to dinner. In a Wisconsin police report, Vance Hayes with a point-oh-nine blood-alcohol level was legally drunk because a statute said so. But in real life Vance Hayes at point-oh-nine was stone cold sober and meaner than a New Orleans madam on the first Friday of Lent.

Twenty-five minutes later, Rep watched as Hayes' mortal remains were consigned to the dreamless dust. Watched junior ROTC cadets present arms and expertly fold the flag that had draped the coffin. Heard "Taps" played on a boombox, buglers being hard to come by these days. Watched the funeral party straggle uncertainly away.

Nagging at the back of his brain was a pesky whisper that something was wrong, some detail a bit off. But he brusquely expelled the notion from his disciplined mind. Not because the cold or the emotion of the day distracted him. He just didn't care. He'd failed and he wished he hadn't, but now it was over and he just didn't care.

October 2005
Milwaukee, Wisconsin

Chapter Two

“The thing is, I’ve never smoked a cigarette in my life,” Sue Key told Rep, adding after a minute’s pause, “You look skeptical.”

“I’m a lawyer. I woke up this morning looking skeptical.”

“Cross my heart,” the young woman said, a grin splitting her almond face as she gave the pie-crust curls of her black hair a little shake. “Not even the experimental puffs in eighth grade that everyone supposedly has to see what it’s like. I took a hit on a boyfriend’s cigar once to be a good sport, but never a cigarette. Even when I tried pot I used a little pipe thingy.”

Rep flipped back to the cover of the calendar that Key had brought him. *Pretty Girls Smoking Cigarettes* waltzed in friendly blue and white letters across the shiny, eleven-by-fourteen-inch sheet. Full-page, four-color photographs above each page of dates inside delivered twelve months of posed variations on that theme. Comely ski bunnies contentedly sharing menthols in front of a snow-frosted chalet window for January 2004. Sultry, pouting debutantes in evening gowns smoking languidly on the terrace of some generic country club for April. A radiant bride beaming as she and her bridesmaids relaxed with filter-tips for

June. Cute coeds puffing Ultra Light 100s amid their textbooks in a coffeehouse for September. All the way to smiling chums in Santa hats smoking under the mistletoe for December. People had apparently been willing to pay—what? Rep checked the back—nine-ninety-five for this.

He turned back to July. Three women who looked like they were in their early twenties sat at a weathered picnic table, implausibly ignoring a spectacular fireworks display bursting across the night sky behind them. Like most of the others, they shared the artless prettiness of youth, but with some un-model-like meat on their bones and makeup well short of perfect.

The blonde on the right side of the picture, a cigarette dangling insouciantly from the center of her lips, leaned across the table to offer a light to a chestnut-haired table-mate on the left side. Between them sat a woman whose jet black, piecrust-curved hair framed an almond-colored face with Asian features. Leaning back as she laughed at something, resting her right elbow on the table, she held a cigarette in her right hand, near her cheekbone.

“This certainly looks like you,” Rep said to Key.

“It is. The picture was taken in broad daylight in Cathedral Square. They must have put the background in later.”

“Do you know who took it?”

“I don’t know the photographer’s name.” She handed him a twice-folded sheet of photocopier paper. “The check came from a company called Cold Coast Productions. This guy just came over and said he was doing pictures of Milwaukee scenes and that if it was published we’d get twenty-five dollars each. He asked us to fill out what he called a release with our names and addresses and then sign it.”

“Did you?”

“Sure. It seemed like a lark. I mean I was thinking, like, *Milwaukee Magazine* or *North Shore Lifestyle* or something local like that.”

“Okay,” said Rep. “You knew the picture might be published, you gave written permission for it to be published, and you accepted payment for publication. What you didn’t know was that they’d alter the picture to make it look like you were smoking.”

“Exactly.”

“And you object to that?”

“Well, sort of, I guess. It kind of bothers me.”

“I can certainly understand it bothering you,” Rep said, trying to draw Key out without actually coaching her. “Smoking is stigmatized as a loser habit these days.”

“No, that isn’t quite it.” Another ingenuous smile. “I mean, I don’t think like, Lindsay Lohan and Katie Holmes are losers. Or Wanda and Sharon, the two other women in the picture. To me it’s just a personal preference type thing. But it’s sort of like the gay episode that time on *Seinfeld*, you know, the ‘not-that-there’s-any-problem-with-that’ one? I don’t have any problem with smoking, but I don’t happen to smoke. And then there’s my mother.”

“Ah. Childhood taboos.”

Wrong again.

“My mother came here from Vietnam before I was born,” Key said, shaking her head. “I visit her at home for tea almost every Sunday. She’s an assistant liturgical director—you know?”

Rep shook his head.

“Someone who helps organize the services at a Catholic church. Conservative Catholics call them ‘weapons of Mass destruction.’ Anyway, she always has a cigarette, and if she thought I smoked she’d expect me to have one with her. So she’d be hurt that I don’t.”

At this point a resonant if not melodic baritone penetrated the wall separating Rep’s office from the reception area:

*“Will everyone here
Kindly step to the rear
And let a winner lead the way?
Here’s where we separate
the men from the boys,
the news from the noise,
the...the the the the.... Nuts.”*

Determined steps shook the floorboards, and three seconds later Rep's door opened. The head that burst through was male and thinly provided with gallant tufts of once blond and now graying hair.

"Counselor, what comes after 'news from the noise'?"

"Rose from the poison ivy," Rep said.

"That's it!

*Here's where we separate
the men from the boys,
the news from the noise,
the rose from the poison ivy."*

"The hearing went well, I take it?" Rep said.

"Motion granted in full. Costs to abide the event, but that's the way it is in the Milwaukee County Circuit Court. No one's rice bowl gets broken—not even insurance defense lawyers."

The singer came all the way into the office and extended his hand to Key.

"I'm Walt Kuchinski," he said, towering over the young woman who, at five-six, was only three inches shorter than Rep. "You'd be Sue Key, I'm guessing. Reppert here treating you right?"

Guessing? Rep thought. *You referred her to me, remember?*

Key confirmed her name and the high quality of Rep's services, although as far as Rep could see he had so far accomplished roughly nothing.

"Well, he's the man for this picture stuff you told me about on the phone. Anyone ever accuses me of knowing anything about intellectual property law, I'm gonna plead not guilty. 'Til I met Rep here I always thought IP lawyers were guys who wore bowties and drank Lite beer."

"Please imagine a little circle-r registered trademark symbol after 'Lite' in that last sentence," Rep said, adjusting his bowtie.

"But Reppert here can tell Leinenkugel from Miller Genuine Draft blindfolded, and he knows more obscure Broadway show tunes than any straight guy I've ever met. He'll get it done for you."

Exit Kuchinski, who waited until he'd closed the door behind him before he started singing, "*Weeee are the CHAMPions, my friend.*"

"Is he, like, your partner?" Key asked in a vaguely overwhelmed voice.

"More like my landlord," Rep said. "I'm with a law firm in Indianapolis. It's thinking about opening an office here in Milwaukee. Mr. Kuchinski has been kind enough to let me share office space with him while I look into it."

This was wholly true, but not the whole truth. The whole truth was that Melissa Seton Pennyworth, Ph.D., she of the green-flecked brown eyes with the minxish glint and the dogmatic attitude about her husband's sterling qualities, had secured a tenure-track assistant professorship at the University of Wisconsin-Milwaukee. (That is, *not* the Big Ten school in Madison but its blue-collar second cousin.) Rep had no intention of being separated from Melissa for long by farther than he could conveniently drive a Mercury Sable. So he had pitched the management committee on the marketing *cachet* of having a branch office in Milwaukee—as if they'd have a better shot at Chicago business if they could come at it from two sides at once. His partners, who on the whole weren't stupid, had pointed out that this was perfectly insane. They didn't want to lose him, though, so they'd gamely allowed him to come up and test the waters on the cheap, hoping that he'd get this nonsense out of his system and come back to Indianapolis before he'd spent too much money.

Rep knew by now that he shouldn't even be thinking about taking Sue Key's case. He had to show his partners that he could find Wisconsin clients who'd pay six figures a year for trademark and copyright work. The only way billings to Sue Key would reach six figures would be if you counted on both sides of the decimal.

"If we were to go forward with this," he said to Key, "what would you want me to accomplish for you?"

"All I really want is for Cold Coast to admit that the picture is faked. And enough money to cover your fee, I guess."

Opening her purse, she took out a cylinder of currency with a rubber band around it. She slipped off the rubber band and began painstakingly spreading money out on Rep's desk: three hundred-dollar bills, four fifties, eight twenties, six tens and six fives.

"It's seven hundred fifty dollars," she said. "I know the retainer is usually a thousand, but I have most of the money I've saved tied up in six-month certificates of deposit. So I was kind of hoping you could sort of get started with just this."

Rep, in his mid-thirties and with three years of partnership behind him, had yet to accept a retainer of less than five thousand dollars. As Key laid the money out, though, he saw callouses on her fingertips. He'd deposed a witness or two when he was so young that litigators could tell him what to do, and he had a rough idea of how many keystrokes it took for this young woman to generate the modest collection of bills in front of him.

Unbidden, the creative side of his brain started to generate some respectable arguments. *Hey, this is a new office, looking for business. Court reporters know lawyers, and lawyers refer cases.*

"Where did you get Mr. Kuchinski's name when you were looking for a lawyer?"

"Actually," Key said, digging yet again in her purse, "I got it from my mother. I mentioned to her after I got the calendar that I thought I might want to talk to a lawyer about something, and she dug out this letter for me."

Dated December 3, 2003, the letter was addressed to Ms. Xu Ky:

Dear Ms. Ky:

I have had occasion several times in the past to provide you with legal services on matters of concern to you. I do not know how much longer I will be able to do this. Accordingly, I thought it prudent to advise you of an alternative source of counsel in the event you found it impossible to reach me. I suggest that you call Walter Kuchinski, Esq., in Milwaukee, describe the problem

(whatever it may be), and ask him to recommend an attorney to handle it.

Sincerely,
Vance Hayes

Chapter Three

When Pelham Dreyfus saw the Valkyrie pulling her turquoise Bic out at three minutes past four he figured the highlight of his day was coming up. The blond coed, pausing with a clutch of classmates on the south side of Wisconsin Avenue, bowed her head and cupped her left hand around the tip of a Marlboro to light it. When she took the cigarette from her mouth and blew a plume of smoke over her shoulder, she had an I'm-eighteen-and-I'm-gonna-live-forever grin on her face that it would've taken Dreyfus eighty shots to coax out of a professional model. Three hundred miles from Mom and Dad, just released from the last class on Friday in her freshman year at Marquette University, looking at a weekend in a city teeming with males who'd buy her a six-pack if she winked at them, her world at this moment was perfect.

Five-ten if she was an inch, lithe as a ballet dancer, and the only fat on her body exactly where it belonged. Young, cute, and *real*. Something you couldn't get from pros. Dreyfus caught it all at three digital frames per second from sixty feet away. With the ten-power optical zoom on his Sony DSC F828 digital camera he could have counted her nose hairs if he'd wanted to. He shook his head in silent wonder. Until he came to Milwaukee, he didn't even know God *made* blond Catholics.

If he really hustled he could make it out to Kopps Custard in Glendale for something younger and therefore even more

appealing to the pathetic losers who religiously checked pretty-girlsmoking.com each day. Sophomore and junior coeds from Dominican and Nicolet High Schools would be smoking on the stone benches outside, showing boys the new trick they'd learned over the summer. Those could be mega-hits—something delicious about the shatteringly naïve poses, girl-women affecting blasé sophistication with Newports in one hand and chocolate malts in the other.

But he didn't have the nerve. The stiffes on the North Shore paid taxes with both hands. Cops in Glendale and Whitefish Bay didn't have much to worry about, and they'd be delighted to worry about Dreyfus if he gave them half a chance. Only one prior, but one was all it took if she was sixteen and you were twenty-three when it happened.

How did I come to this? he wondered in a flash of poignant self-pity. He should be on the coast right now, this very minute, shooting publicity stills for some R-rated feature. Or at Sundance, hustling indie producers on the way up and dodging groupies on the way down. Instead he was parked here at 16th and Wisconsin in Laverne-and-Shirley-land trying to pick up fresh web-site bait for guys so twisted they couldn't get off on regular, all-American porn.



“At the risk of reinforcing gender stereotypes,” Melissa said to Rep about two hours later, “does this make my fanny look too big?”

“Why don't you take that skirt off so I can make a fully informed judgment?”

“And make us late?”

“I'm just trying to avoid objectification of the female form.”

“I know exactly what you're trying to do, tiger,” Melissa said, pivoting athletically to plant a kiss on his ear, “but it's going to have to wait until we get back from this junior faculty wine and cheese reception. Faculty don't get any more junior than I am, so being late would be impolitic.”

“We can't have that,” Rep said. “It doesn't start until seven o'clock, though, and we're about ten minutes away. You'll have

to spend another half-hour getting dressed to avoid being unfashionably early.”

“As wound up as I am right now I could spend half-an-hour just picking out earrings.”

“Are you too wound up for an off-the-wall question?”

“Actually,” Melissa said, “an off-the-wall question would probably help.”

“Would it bother you if someone faked a picture to show you smoking a cigarette?”

“You did say off-the-wall, didn’t you?” Melissa flipped with practiced skill through a dozen earrings. “I guess it would depend. If someone caught me in a pose suggesting Virginia Woolf and then air-brushed in a cigarette for verisimilitude, I wouldn’t mind that. Especially if it’s the Hollywood version of Virginia Woolf, where she looks like Nicole Kidman.”

“On the other hand,” Rep prompted.

“On the other hand, if some smart-alec on the *UWM Post* used digital magic to make me look like I’m smoking in candid shots of tonight’s event, that would lead to a short and unpleasant conversation.”

“Because smoking just isn’t done by junior faculty at events like that these days?”

“No, that’s not really it.” Melissa gave it a few moments’ thought. She took one pair of earrings off, put the other on, and nodded slightly. “It’s more that I just don’t want someone else defining me.”

“And you feel smoking habits are defining?”

“Absolutely,” Melissa said. “When I was a teenager in the eighties, smoking was just a hint to boys that you might be a bit fast, without committing yourself to anything. For an adult today, though, my gut feeling is that it makes a very definite statement about yourself.”

“I have the same gut feeling, but I’ll need some footnotes if I’m going to do any good for my Sue Key.” He told her about the case.

“You mean there’s actually a market for calendars that just show women smoking, with all their clothes on and nothing naughty happening?” Melissa asked when he’d finished.

“Calendars, DVDs, videotapes, web sites. For twenty-nine-ninety-five you can buy a two-hour DVD of fifties and sixties cigarette commercials. For every guy who finds smoking repulsive, apparently there’s one who finds it sultry and alluring.”

“Maybe I should have tried harder to like it when I was sixteen,” Melissa said. “Would you find it off-putting if I smoked cigarettes? Or would you find me sultry and alluring?”

“I wouldn’t find you off-putting if you chewed tobacco, beloved. And nothing on earth could make you sultrier or more alluring than you already are.”

“Wow. Was *that* ever a good answer.”

“I need an answer that good for Cold Coast Productions. I’ve gotten their attention, but their basic position is that unless Sue Key is an OB/gyn or a member of a Southern Baptist church choir, it’s no-harm/no-foul.”

“Time to call in the litigators?”

“I can’t afford to put any litigator in the firm on this case,” Rep said, “including the kid we hired last week. But we’d better get going.”

As they walked from the bedroom to the front door of the generic, single-bedroom, Maryland Avenue apartment that represented their first Milwaukee residence, Melissa glanced at the improvised card-table furnishings and half-open cardboard boxes that cluttered the living room/dining area. Rep had left a comfortable house in Indianapolis and a partner’s office at an established firm to try wildcat lawyering in a new city. He was doing this for her, doing it so that she could take a shot at a solid academic position instead of becoming one of the credentialed serfs who haul their Ph.D.s from one second-rate fill-in lectureship to another, without time for serious research or any shot at tenure.

If Sue Key’s case was Rep’s problem, then it was her problem too.



When Pelham Dreyfus checked the new hits on prettygirlssmoking.com, he saw that the Valkyrie had come through already. Six hundred fifteen more visitors just since seven o'clock. Each of them would have seen pop-up ads for calendars and DVDs and photosets, and if experience were any guide at least eight percent of them would buy something. And any of the six hundred fifteen email addresses that weren't repeaters would go on lists that he could sell to other E-tailers for fifteen cents a hundred. The real money, though, lay in the credit card numbers he'd collect. Send the card-holders bogus emails supposedly coming from Ebay or their banks, fishing for their security codes and SSNs. Two or three out of every hundred would bite. Dreyfus would check them over to guard against cop-stings and then out-source the identity theft to someone he could trust to share the proceeds equitably.

Hey, he thought with a shrug, *it's a living*.



"I actually learned something at this thing tonight," Melissa said to Rep as he showed her back into the apartment around ten-fifteen that night. "One of my colleagues is emailing me a presentation of his that might help Sue Key."

Twelve minutes later Rep and Melissa leaned over Melissa's laptop, looking at Burt Reynolds and Sally Fields in a scene from an early seventies movie called *Smokey and the Bandit*. "You smoke much?" Reynolds asked Fields. "I just started," she answered as she puffed haplessly on a Marlboro.

"I get it," Rep said. "Burt Reynolds as the Bandit is driving his super stock Trans-Am like a lunatic, and Sally Fields as the love interest is saying his maniacal driving is making her so nervous that she's taken up smoking on the spur of the moment to calm herself down. Not a bad little joke, but I'm not sure how it helps Sue Key."

"Subtext, munchkin mine. The nervous wreck isn't Sally Fields, it's Sally Fields' character. On the screen, though, we're seeing Sally Fields herself, not just her character."

“Right,” Rep said. “Ten on a scale of ten. But so what?”

“Sally Fields spent the sixties on television, playing squeaky-clean, cute-as-a-button, all-American teenagers in shows called *Gidget* and *The Flying Nun*. In *Smokey and the Bandit* she didn’t smoke just to set up a lame joke. It was a way of saying, ‘I’m not a kid anymore.’ Same thing with Melissa Gilbert when she moved on to adult roles.”

“Melissa Gilbert smokes?” Rep demanded in anguished distress. “That sweet thing from *Little House on the Prairie*?”

“Sad but true.”

“My last illusion is gone.”

“You’ll get over it.”

“Okay,” Rep said thoughtfully. “And so when Meg Ryan sort of halfway smoked in *Proof of Life*, looking like she could just barely stand it, she didn’t do it just because her character was on edge about her husband being kidnapped. She was saying that, even after all those chick-flicks she starred in, she was nobody’s sweetheart anymore.”

“Very good,” Melissa said. “Not quite be Ph.D. material, but you’ve definitely qualified for the senior honors seminar.”

“In other words, we have solid empirical evidence to back up your intuition. Cigarettes have become character-defining. Smoking puts you in certain categories—not necessarily bad categories, but not categories you should be in against your will, either. Thank you, Doctor Pennyworth.”

“Do I get to be an expert witness?”

“That depends. Let’s get to the bedroom and discuss your qualifications.”

Chapter Four

Nothing Rep had seen in walking through Cold Coast Productions' south Milwaukee facility prepared him for the conference room. Rep and Sue Key had entered the down-at-the-heels, red-brick building through a heavy metal door with mustard-colored paint chipping off of it. They had walked behind a crew-cut guy in a short-sleeved white shirt across a bleakly lit shop floor where an ancient web press commanded the attention of five older men—men whose faces immediately told Rep that he was on the wrong side of one of those us/them lines that guys in suits can't cross. Through another metal door, this one with a frosted glass window, up five flights of echoing metal stairs, through one more metal door, like the first two except for a pebbled steel surface and a fresher paint job. Past a warren of empty cubicles, over threadbare industrial gray carpeting to the conference room's double doors—wood, finally.

"In there," the guy said. "I'll let Mr. Levitan know you're here."

Past the doorway lay a different world, as if the rust-belt exterior were a reverse Potemkin Village. Rich odors of wax and old leather replaced the lubricant and burned metal smells permeating the floor below. Three tiers of bookshelves lined two of the walls. A polished mahogany table and leather chairs sat on parquet flooring.

The spine of a book a yard or so from Rep's face said *The Story of the Malakand Field Force*, by Winston Churchill. Next

book: *The River War*, by Winston Churchill. Hmm. His eyes ranged one shelf over. *World Crisis* in four volumes, by Winston Churchill. *Marlborough, His Life and Times*, by Winston Churchill. *The Second World War* in six volumes, by Winston Churchill. *History of the English Speaking Peoples* in four volumes, by Winston Churchill. *The Last Lion*, by William Manchester, about Winston Churchill. Pelham's biography of Winston Churchill. Severance's biography of Winston Churchill. The eight-volume biography of Winston Churchill by Martin Gilbert and Randolph Churchill. *Churchill on the Home Front, 1900-1955*, by Paul Addison. *The Young Churchill*, by Celia Sandys. *Forged in War: Roosevelt, Churchill, and the Second World War*, by Warren Kimball.

"Miss Key, Mr. Pennyworth?" a gravelly baritone boomed from the doorway. "I'm Max Levitan. Welcome to Cold Coast Productions."

Levitan looked to Rep like he was just under six feet tall, and he had to be sixty years old. He wore a blue poplin work shirt, a pair of khaki slacks, and a baseball cap—blue with a red bill and a plain block M on the front—that Rep didn't recognize at first. After three or four seconds, it clicked. Braves. Not Atlanta. The Milwaukee Braves. A cap from some forty years in the past.

Levitan's handshake wasn't quite a bone-crusher, but Rep would still remember it when he went to bed that night. He felt odd lumps of scar tissue here and there, and at least one bone that he suspected had knit in a rough-and-ready way after a break.

They sat down. The moment Rep had been dreading approached. The great client let-down.

Melissa's pop-culture jetsam and professorial deconstruction had produced a settlement of Sue Key's claim. Rep needed only two business days to put a little lawyerly spin on the stuff, shine it up a bit, and make a deal. He thought he could have bluffed Cold Coast out of a bit more money, but clients get the last word on those decisions. When he'd told Key that Cold Coast's offer included a personal, face-to-face apology from the CEO himself, her thrilled squeal had signaled the end of negotiations.

Now she was about to hear a hollow, *pro forma* recitation of suit-speak that would never measure up to her stratospheric emotional expectations.

Levitan took off the Braves cap and cleared his throat.

“First of all, Miss Key, on behalf of Cold Coast Productions and myself personally, I want to express my deepest apology for this error in judgment.” His eyes held hers and his head leaned in her direction as his expression appealed for understanding. “It should *not* have happened, and it *will not* happen again. To you or to anybody else. I give you my promise on that. I have had an unambiguous discussion with the person who doctored that photograph, and believe you me, there is *no* room for any future misunderstanding on this point.”

“Thank you,” Key said, bowing her head and fiddling with the top button on her pink sweater.

“As chief executive officer of Cold Coast Productions, I accept personal responsibility for this foul-up,” Levitan continued. Rep sensed that he’d changed “screw-up” to “foul-up” at the last second to avoid offending Key. “I want to be sure the corrective measures we have taken meet with your complete satisfaction.”

Opening a maroon leather portfolio that he’d carried into the room, he took out a compact disk and an eleven-by-fourteen inch white envelope and handed them to Key.

“The disk contains the original picture and all of the alterations that were made. In the envelope you’ll find the print-proofs of the calendar page where your picture appears, and all the tear-sheets we could trace. I have no reason to believe that there are any more copies of that photograph anywhere in my company’s files.”

“Thank you,” Key said again, her voice now church-pew quiet.

Levitan now took out six sheets of bond, stapled in the upper left-hand corner, and a letter-sized envelope. He turned toward Rep.

“This is the agreement that you sent over, which I have signed,” he said, “including my written apology, and the certification

that we have pulped all copies of the calendar that we could retrieve.”

“Good,” Rep said.

“And, of course, the check.”

“Right.” Five thousand dollars. Not exactly King of Torts money, but enough to cover the charges he’d booked plus a modest write-up, keep the bean-counters back in Indianapolis quiet, and bulk up Sue Key’s savings account. Rep got the precious documents securely in his mitts.

“I very much appreciate your coming by so that we could bring appropriate closure to this unfortunate situation,” Levitan said. “If you have half an hour or so, I’d be happy to show you around our facilities here.”

“That would be wonderful,” Key said, “but there’s a transcript I need to get out by tomorrow morning.”

“In that case,” he said, rising, “I hope that we meet again soon under happier circumstances. I’ll show you out.”

“The library in that conference room is very impressive,” Rep said when they were back on the metal steps. “It must have two hundred fifty volumes.”

“Three hundred five,” Levitan said.

“Are all of them by or about Winston Churchill?” Rep asked.

“Yes, but with a footnote. All but one are by or about Sir Winston Leonard Spencer Churchill, the British statesman. There’s one Civil War story in there by an American novelist who also happened to be named Winston Churchill. I bought it by mistake, and it was such a laugh I decided to keep it.”

“That’s pretty single-minded,” Rep said.

“Winston Churchill was the greatest man to live in the twentieth century,” Levitan said. “He was the last English-speaking politician who was remotely interesting for anything he did outside of politics. Once I really knew Churchill’s life, I couldn’t work up much interest in anybody else’s. Would you call that pathologically obsessive?”

“Not unless I were paid to,” Rep said.

“Now, there’s a guy I know has over a thousand books about Adolf Hitler. *That’s* obsession. I mean, Hitler *lost*.”

They had reached the bottom of the stairs. Rep noticed that, despite the speech, Levitan wasn’t panting. They went back across the shop floor fringe, drawing the same wary/disgusted glances from the men working there. Levitan propped the door open with his shoulder as Rep and Key stepped outside. Instead of going back inside immediately he just stood there, as if reluctant to give up the Edenic lake breeze gently ruffling tufts of steel wool colored hair that showed under the edge of his baseball cap.

“You’re new to Milwaukee, aren’t you?” he said to Rep.

“Been here less than two months.”

“This is a blue-collar town with blue-collar memories. Those guys in there used to be heroes. They’re not anymore, but it’s not their fault. They held up their end of the deal. They didn’t turn the mightiest industrial machine on Earth into the rust belt. That was done by guys in suits.”

Levitan stepped back inside and with metallic finality the door snapped shut behind him.

“Where’s your car?” Rep asked his client.

“I took the bus over.”

“Can I give you a ride back to your office?”

“Actually, could you take me to my flat over on College? I do most of my proofing and corrections there.”

“How do I get there?” Rep asked as they slid into his Sable.

“Start by going west on KK.” She caught Rep’s blank look and grinned. “That’s right, you just said you haven’t been here long. KK is Kinnikinnick. Just turn left at the stop sign and we’ll take it from there.”

The trip took almost fifteen minutes, as they rolled past bungalows with life-size statutes of the Blessed Virgin in front, squat, six-unit apartment buildings, and postcard-sized lawns being worked by septuagenarians sweating through white t-shirts and placidly puffing fat cigars. It seemed shorter to Rep because Key spent most of the quarter-hour telling him what a fabulous lawyer he was and how thrilled she felt and how if

she *ever* had to put a legal dream-team together, he'd definitely be the captain.

She finally directed him to the curb in front of an upper/lower duplex whose covered-porch design screamed pre-World War II. It was trim and neat, though, with its wood frame freshly painted and a pale yellow stone foundation that Rep would remember when he later heard the term "Cream City Brick."

He didn't have long to savor these reveries. Before he had the ignition off, the unmistakably stentorian roar of a Harley Sportster motorcycle split the languid air. The cycle had just rounded the corner ahead of them. It growled down the block, skimmed elegantly across the street, and squealed to a stop fender to fender with Rep's Sable. The helmetless rider shook longish, coal-black hair away from his face, disclosing Asian features and almond-colored skin. Frowning in puzzled concentration, he stared through Rep's windshield for several seconds before his dark eyes flashed with recognition.

"Sis," the biker yelled then, "we got a problem."

Safe bet, Rep thought; for strapped to the storage compartment lid behind the bike's saddle he saw a calf-brown scabbard with a rifle butt sticking out of it.