million-dollar life-insurance policy on the husband's life. Since the wife's been in jail, the business has been falling apart. She's the brains of the operation. Without her, the husband doesn't know how to run things. Finally—children. A boy and a girl. A ten- and an eight-year-old. Beautiful children. There are pictures of both of them. They're part of the record."

Day stopped. She started walking toward the subway. "Let me know," she said over her shoulder, "when you're ready to go over the next draft of the report."

Transactional

THE DEEPEST, DARKEST SECRET. I LIKE THAT. I want to get back to that. But first," Thomas Rao said, "Karpinski. How is that you know Richard, again?

"Through a mutual friend," I said. "Charlie Serra."

"I know Charlie Serra. He's a real estate partner—Canfield Stutz Yeager & Linsares, isn't he? I met him at something or other Richard put together. Respectable enough guy, if I remember right."

Rao got up from his desk and walked over to a small kitchen area and made himself a cup of tea. "How well do you know Karpinski?" he asked, returning to his desk and sitting down. I said I didn't know him at all, that Charlie Serra told me that he would be an interesting person to talk to. "But," I

said, "when I called Karpinski, he suggested that I call you."

Rao laughed. "Richard is very careful about who he talks to. I've known Karpinski since the third grade, you know—we grew up together. Yonkers. Karpinski was a lunatic. He and his two brothers—they were even more insane than he was. Street-smart, though, the Karpinskis—all of them. Richard is no one's fool."

Rao blew on his tea to cool it, then took a sip from the large pewter cup he held with both hands. His office was in the old Standard Oil building, which looks out over the small wedge of Bowling Green where Broadway begins in front of the old United States Custom House, a city-block granite Beaux Arts building which now houses a United States Bankruptcy Court and the National Museum of the American Indian. A quarter to nine in the morning, the January air, outside, was icy cold, the sky a bright crystal blue. Beyond the Custom House, Battery Park was flooded with light, New York Harbor a shimmering aquamarine. "I like getting to work early," Rao said, placing his cup on his desk. He stood up and took off his charcoal pin-striped suit jacket. "No later than seven o'clock," he continued, walking over to a closet to hang up his jacket. He then sat down again in a large black leather chair, behind a wide mahogany desk, piles of papers stacked neatly on it. Soft-spoken, his full black hair parted on the side. His manner was intense, yet genial. Unbuttoning the top button of his dark blue shirt, he loosened his yellow print tie. "I'm up at five-thirty every morning," he said. "I am incapable of sleeping past five-thirty. I

can get a whole day's work done between the time I get here and when the phone starts ringing."

Rao propped his elbows on the arms of his chair and folded his hands in front of his chest. "So," he said. "Karpinski told you to call me. Richard! What a piece of work! I hardly ever see him anymore. We talk on the phone, every other week, maybe. The last time, he launched"—Rao started shaking his head—"into his 'I hate them' litany. 'I hate them all, I hate them all, I hate them all, I hate them all, I hate them all!' 'Who, Richard, do you hate?' 'Them all,' he says. 'Every fucking one of them.' Richard likes talking in absolutes. He hates them all. He means it, too. Every one of them."

"Who's the 'them'?" I asked.

"Me and you, that's who. Members of our esteemed profession. This time, in particular, Westin Marshall. Marshall's a lawyer-turned-something-else—in Wessie's case, a venture capitalist. What he is, is, he's inherited millions of dollars and invests it. He was an associate at Caldwell, but was passed over, back in the days they'd float you the whole eight years. Richard's known him for quite a while. I have no idea what kind of business they do with each other, and—to tell you the truth—I really don't want to know. 'A man of means' is how Richard refers to him—Marshall is 'a man of means.' "

"What does Karpinski do?" I asked.

"I'm getting to that," said Rao. "It's not that easy a question to answer. Richard . . ." He was smiling. "Richard has this routine with Marshall. He asks him how business is, and Marshall always answers the same way, that he's having fun. This has been going

on for God knows how long. Marshall has no idea Richard's playing a game with him. 'Fun,' Richard says, 'fun! Fun for Wessie means he's making piles of cash from his piles of cash. Fun for that cocksucker means laundering money through one of his clients and not getting caught.' Cocksucker's a word Richard likes to use a lot. It's embarrassing. He has to be the last heterosexual in the world who uses the word in mixed company. I've told him that—he laughs and says he's always careful to use the word accurately. Another thing, when he's talking he always adds 'she' to 'he.' He'll announce—it doesn't matter what the occasion is—that he's a feminist. One of his raps—he'll say a word like cocksucker, expecting you to wince, which you do. He asks what the problem is. 'You know,' he says in this entirely put-on tone of voice, 'this whole damn country has a genitalia hang-up. Genitalia and melancholia. Am I the only one to have noticed that everyone is hung up on genitalia and everyone is feeling melancholia?' Classic Karpinski. Richard says that if a lawyer says he or she is having fun, what he or she really means is, he or she is making a lot of dough, or, according to Karpinski, he or she is getting some he-or-she action on the side. 'Aren't you going to ask me what kind of action on the side he or she is getting?' he asks me, straight-faced. I tell him I don't want to know what kind of action on the side. It's beyond my imagination, what kind of action Karpinski is getting on the side. I've never been able to figure out what his practice is."

I said Serra told me that he and Karpinski worked on the purchase of an office building in the West Fifties. Serra was representing an Argentine bank.

"That's what Richard will tell you, that he does real estate. Real estate! Right! It's like my grandfather used to say when he was asked what business he was in—he'd say tomatoes." Rao stopped. "Please," he said, leaning over and taking a quick sip of tea, then sitting back in his chair. "I certainly don't want to give the wrong impression. I in no way wish to impugn Karpinski's integrity. Richard is a solid citizen. A very hard-working—well, actually no one's ever been sure about that. It's another rap of his. 'Have you ever met a lawyer who isn't telling you how hard he works? Working on their hard-ons, that's what they're working on. The women, too—working on imagining them.' He's always saying he's working hard at not having to work hard. He went to law school at night, you know. In Philadelphia. Temple. He worked full-time during the day for a real estate company. He never really told me what he did—I'd get bits and pieces. While he was in law school he told me he'd figured it out. That most people need a lawyer for three things—a will, buying a house, and for a divorce. So what's he do when he gets out of law school? He pretty much goes out on his own—he and this pal of his who speaks fluent Spanish—hustling wills, closings, divorces. They set up shop in Queens near the courthouse. I was at Bolo's the other night and ran into a guy I went to law school with—I went to N.Y.U. He asked me what I was doing. Medical malpractice, I told him. He looked at me as if I was the waiter. What popped into his corporate head was Court Street, the lawyers he sees every morning when he gets on the IRT in Brooklyn Heights to come into the city. The guys who advertise in the subway.

"Well, that's pretty much what Karpinski did," Rao went on, "but Queens-style. He'd wear imported Italian double-breasted linen suits and—I'm not joking—alligator shoes. He'd point at them—'Nice, heh?'—and say they weren't really alligator, that they were dolphin. He did some personal injury, too—I'd send him small, over-threshold auto stuff, and he'd send me stuff he couldn't handle, for which, I should add, he received ample referral fees. He did some immigration, too—though mostly, again, referrals. His divorce practice led to his own—but I won't get into that! He did very well for himself. He's a very good lawyer. He did our will, the work on the condo we bought. High quality. His response when another lawyer looks at him like he's a form of low-life? 'Like I give a flying fuck.' 'Flying fuck.' Another Karpinski favorite."

Rao swung his chair around and stood up. "His most recent foray?" he asked, walking over to the closet where he'd hung his suit jacket. "Entertainment law. Entertainment law!" He took a Chap Stick from his jacket pocket, rubbed his lips with it, then put it back into his coat pocket. "Richard represents *artistes*," he continued, still standing. "Of course, it has nothing to do with the fact that he's been seeing a twenty-five-year-old Puerto Rican actress—who, I must say, is really quite talented, in addition to being gorgeous. She's appeared in a couple of soaps. Richard's office is in SoHo, or NoHo—over on Lafayette, near the East Village. The last time we talked he said he's thinking about moving down here. He sees it as the new downtown cyber-scene. He wants to get onto the Web. *Artistes* on the Web! He's probably

going to try hit your buddy Serra's Argentinean bank for a bit of financing. He also said he's thinking about growing a ponytail. He told me he was recently downtown in state supreme court—a real estate bankruptcy case. The trustee—now *there's* a racket!—called him an animal right in front of the judge. He's defending—it has something to do with a bankrupt office building where people are living. Richard's the tenants' lawyer. He told me that he asked that it be put on the record—that, indeed, he was an animal, a gorilla, in fact. I asked him how the other lawyer responded. Karpinski"—Rao laughed—"said that he objected."

The phone rang as Rao was finishing his sentence. He let it ring a couple of times, then walked over to his desk and picked it up. "Yes, yes," he said every few seconds, his eyes still fixed on me. "Fine. See you at ten." He hung up. He stood half staring out the window. "The deepest, darkest secret," he finally said, looking directly at me again, "is the deepest, darkest secret. But before we get into deepest, darkest secrets, let me, first, finish with Karpinski. Karpinski's old man was a milkman. He was a displaced Pole who came here after the war and drove an old beat-up milk truck through lower-middle-class Italian neighborhoods, ours included, delivering milk. I liked Mr. Karpinski—he was always decent to me. When Richard had his practice in Queens—he was leasing a Cadillac at the time—I was at his younger brother's wedding and overheard Mr. Karpinski telling a new in-law that Richard was 'big,' which I never told Richard because I didn't want to hear his reply. Mr. Karpinski loved opera. He was a milkman who loved

opera. Richard knows opera well—he knows as much about it as a scholar. He has an incredible opera collection. There's one aria he listens to every morning—he's been doing it for years. He's a runner—he's done marathons. He runs up to ten miles a day. He gets up, runs, and, while he's running, he's listening over and over—he has the most expensive Sony Walkman you can buy—over and over to an absolutely soaringly beautiful bass-and-tenor duet by Bizet from *The Pearl Fishers*, *Au fond du temple saint*, it's called. One final thing about Karpinski," Rao said. "He drinks. Single malt. He buys these eighty-dollar bottles of Mortlach—fifteen-year-old Mortlach—at a place on Madison in the forties. He's one of those drinkers who manage somehow to maintain a sense of what he's doing. Mind over matter, or, in Karpinski's case"—Rao smiled—"matter over mind. There are lawyers who can drink like that, and they are formidable, too—as long as their livers hold out. The alcohol depresses everyone else, but pumps them right up. Makes them hyperphysical. They can really cut you up."

Rao sat back down, looking thoughtful. "The deepest, darkest secret," he said, then paused. "You can say what you want about lawyers, but one thing—lawyers know how to keep a secret. They really do. Like that Broderick & Williams partner—one of their head honchos, on the board of God knows every bank—murdered up in the Bronx by a male prostitute at one of those fifteen-dollar-an-hour motels off the Cross Bronx. Everyone who knew him said they never suspected a thing. I'm sure it's true, too. This man's not going to be good at keeping a secret? How

many secrets about his clients—his banks—went with him to the grave? I'll bet, too, that a couple of his partners—in the midst of their tears—sighed a secret sigh of relief. Please don't misunderstand me—I'm not judging the man. He clearly had his troubles. I'd bet, in fact, there was a secret or two deeper than the Bronx motel. Every lawyer has one or two—or, among the more precocious, three or four—real beauties. Like Karpinski. On a deep dark secret scale of ten, I'd say Karpinski is, clearly, in the eight or nine range."

The phone was ringing again. "Excuse me," Rao said. "I've got to take this." He leaned forward, grabbed the phone, and listened intently for a minute or so. He then said that he was with someone and would have to call back. "I'll call you at five. No, no, I agree," he added. "We have to do something about it. It's a waste of everyone's time. I'm willing. Five."

He hung up. He seemed annoyed. "I'm going to put you in touch with Fred Singleton," he said. "He works the other side. He's very skilled—a bit too intense for me, but, as much as one can expect, moral. At least he keeps his word. He'll be able to fill you in on what I don't."

"You do mostly medical malpractice?"

"Yes. Almost entirely now."

"You must know doctors."

"I know a lot of doctors. We have a doctor associated with our firm. We paid his way through law school. My closest friend is a doctor, a urologist. One of my greatest fears is prostate cancer—my father died of it. Every man will die, if of no other cause, then of prostate cancer—did you know that? I'm also

high-risk heart attack or stroke. There's serious heart disease on both sides of my family. They make mistakes, you know, doctors. They also watch each other make mistakes. There are doctors who overdiagnose, like lawyers who overbill—they create work for themselves. I have a lot in common with doctors. Pain, for example. Doctors try to take it away. I try to get compensation for it. I'm in the business of pain—bodily pain. The dichotomy in this culture between bodily injury and mental pain—anyone who knows anything about it knows it's ridiculous. The brain's a very important part of the body. Garrison used to repeat it over and over again—my mentor in this business, Gene Garrison. The brain is a very important part of the body. 'No, of course not,' " Rao went on, in a mock rhetorical voice, " 'the condition of your uterus or your bladder has nothing to do with how you feel, does it?' " He asked if I knew what the heart was. "Do you know what a heart doctor I know says?" he asked, before I could say anything. "The heart is the most important muscle in the body. The heart is *the* most important muscle in the body."

"Have you always done personal injury?"

"Yes."

"How long?"

"Let's see. I'm thirty-seven—I graduated from law school when I was twenty-five—twelve years. This is my thirteenth year. There were, you know, classmates of mine who made twice what I did out of law school. Twice. I went to work for a small plaintiffs' firm and was laughed at. I learned from the best, though. Gene Garrison. The absolute best. Garrison's how old now?—in his sixties. *Harvard Law Review.*

In the same class as—a couple of years behind, maybe—Ralph Nader, whom he knows well. Gene got into products right when it was taking off—like those securities-fraud plaintiffs' lawyers who jumped on the federal class-action rules right when they went into effect. The defense bar wasn't ready for him. Gene's a—I was going to say Buddhist, but he'd disagree with that. What he is, is a student of the body and soul. I mean student. When we first met, after I told him I'd gone to Catholic schools, what's he do? He walks me over to a little religious bookstore behind Trinity Church and buys me Thomas Merton's *Asian Journal*—you know, the Trappist monk?"

Rao looked sideways for a moment, before fixing me with a stare. He'd moved his chair closer to his desk, and put his fingers together in the form of a steeple. "You know"—his voice was lower—"I don't think that much about what I do. Never have. For me, it's always been a long-haul game. Even if you hit the jackpot—which is every lawyer's dream—and I have hit it several times—it's still a long, hard game. The thing that makes me sick to my stomach is the other lawyers . . . Garrison always said that you have to assess the lawyers you're dealing with. He had these exercises. He'd look, for example, at the way a lawyer walked. It's something he learned from actors. You figure out the way a person walks, and you can figure out the way he thinks, the way that he talks, his expressions. Have you ever watched the way lawyers walk? My favorites are the guys who pump their heads up and down, while they're swinging the arm that's not carrying their briefcase—long, arched steps, all juiced-up. He'd also describe souls. It was

wild! 'So-and-so's soul looks like . . .' Not only with lawyers, but jurors, judges, too. Clients? The best advice I ever heard. 'You take their pain personally,' Garrison always said, 'and everything else will take care of itself.' That's all you need to know, you know. That's what the best do. That's all they really do."

The phone was ringing again. Rao answered, saying little. As he listened, he moved the receiver away from his ear, closing, then opening, his eyes. "No," he said softly. "No! No!" He raised his voice, almost shouting. He lowered it then to a whisper. "No. I want to see the X-rays myself. I know more than Thompson knows, anyway. Send them by messenger. Now. I don't care if you don't have a messenger—send someone in a cab, damn it! I can't believe we're paying him what we're paying him. Look. I've got someone here. Stay where you are. What's the number again?" He took a pencil from his desk and jotted a telephone number on the bottom of a letter on his desk. "Don't go away. I'll call you back in five minutes."

Rao shook his head in disgust. "Just now on the phone. This woman goes into minor surgery and wakes up bleeding—they can't stop the bleeding. She's a mess inside. Something happens that shouldn't have happened, something's gone wrong somewhere. There you have it. They say it has something to do with her. We say it has everything to do with them. What was the cause—a fuck-up by the doctor, or, in the parlance of the trade, her preexisting condition? She's in terrible shape. I visit her—she's home now—she can't stop crying. She cannot stop crying. Her husband's a bus driver for the city.

They have a little boy with these large, sad eyes who sits there and watches her. I know what happened, too. A fuck-up. The doctor fucked up. I know who he is—a doctor I know knows him well. He's a good doctor—I don't know what happened, but he fucked up. I can figure the medical side out myself. His mind wandered a bit—and his scalpel with it."

Rao moved a pile of papers on his desk. "I'm sorry. I have to take care of this. Anything else you want to know?" he said abruptly, then broke into laughter. "Quick! Quick! I'm a very busy man!"

"The business. What's it like?"

"Well, what do you want to know?"

"Whatever you want to tell me," I said.

"Big picture? Small picture?"

"Whatever you like."

"Whatever I like. Whatever I like." Rao shrugged. "Well, you could say the woman who can't stop crying is the small picture. A lot of good that does her, right? The big picture?" He shrugged again. "I don't know. In the big picture? Let's see. In the big picture—what am I? A minuscule part of—how would you describe it? The medical-care business. Which is how many hundreds of billion dollars a year? If I were doing products liability—which I have done—I would be a minuscule part of the economics of product distribution and selling, which is how many trillion dollars a year? If I did car-injury cases—which I have done—we're talking about how many injuries, how many hundreds of billions of dollars of economic loss a year to the entire society as a result of automobile accidents? The business?"

The phone was ringing again but Rao ignored it.

"The business you can figure out easily enough," he said. "We get a quarter to a third of what we recover. We have to pay for our own time until we do recover. So you're going to be very careful about what cases you take. You are going to watch your transactional costs, which include your time spent doing this or doing that. We're also going to settle at that point at which we think we can make the most money at the most propitious time—if we have to wait three years to get something, the insurance company has the money in a mutual fund, not us. I'm not telling you anything you don't already know. Those who look at us like we're rodents don't think about it that way, but they do the same goddamn thing, on their own scale. The public? The public believes in fairness. Well, what's fair for me isn't fair for you. The doctors? They're finally beginning to figure it out. What? Insurance. The invisible hand whacking them and the whole economy off. Insurance. Have you ever wondered what portion of our equity and bond markets is insurance money? What do you think? Twenty percent? Higher? Health insurance! So the big hospital complexes figure out they can insure themselves. Now they're merging. Then they'll buy an insurance company or two. They've already taken care of any antitrust problems with the Justice Department—they'll do it themselves—with, of course, the banks. Conglomerations. Conglomerated health care! The doctors? Maybe, at last, they'll finally see what's always been the case—they work for whoever is paying their customers' insurance."

Rao stopped. "Did you hear what I said?" he asked. "Because I'm right. The doctors just don't want to admit it. They work for and I mean *for*, whoever pays their customers'—their patients'—insurance. The government, a private company, the hospital they work for—what difference does it make who, finally, is paying it? Health-maintenance organizations—how about health-maintenance insurance companies! The sons of bitches withdrawing necessary care to save money. We're coming up with ways to sue them, too—we're going to bring down the entire make-money-at-the-expense-of-the-patient boondoggle. The doctors aren't going to stop it, so we will. We'll do it. But hey, please—don't take this as a harangue against insurance. It's there—part of nature, part of the nature of things. It's our pot of cash, too—I know that. I wouldn't be who I am without it—no question about it. Nor, might I add, would defense counsel of every stripe be where they are without us. We've all made each other rich."

Rao stood up and I did, too. He walked with me to the reception area. "So the big business corporations," he said, "get to the legislators—to do what? Cap—in one way or other—damages. Why? Less monetary incentive for us to sue. So, they think, their liability insurance will go down. Maybe it will, maybe it won't. I don't think it's going to go down, but I'm biased, right? It's not new, you know—the same thing, more or less, has been going on for years. So there's less potential money out there for us low-lifes. So? Finally, it's a business that rewards those who take what's there. You do what you have to do. What everyone else does? That's their game, not mine.

"This, though," Rao said, "I can assure you. There will still be injuries. Heinous, horrible injuries.

People will feel and will be aggrieved, and there will still be claims paid by insurance. To whose advantage is liability—ultimately? The more potential liability you have—it doesn't matter what kind of liability we're talking about, either—the more you have to insure, which means more money in the coffers of the insurance companies, which means the more there is to invest in the national and international financial markets, which, finally, help provide those very substantial livings for all those classmates of mine who are partners now at the Phillips Fineman Morrisons and Brownwell & Eliots of the world."

Two weeks later Frederick Singleton and I got together for lunch in his office on Broadway near City Hall. We ate in one of his firm's conference rooms, sushi ordered in from a restaurant on Fulton Street. He told me he didn't have much time but that he'd be happy to talk. Stocky and square-jawed, with short light brown hair, he spoke rapidly and openly, with a smile which bordered at times on a smirk. I asked him about himself. After graduating from law school, he said, he went to work for the city, defending personal-injury suits. He then worked three years with a plaintiffs' firm in the Woolworth Building. He was now a partner at a firm that did liability-insurance work and the head of the firm's medical-malpractice department. I asked him why he went from a defense practice to a plaintiffs' practice, then back to defense. He laughed out loud. "You know the old saying," he said. "I know how to keep the money in the safe."

"Doctors? Did you ask Tommy that, too?" he replied after I asked him what he thought about doctors. "Do I like them? Yeah," he said, nodding, "I like 'em. Definitely. Why, don't you? Doctors—they cool. Just regular folk, just trying to make a living like you and me. 'I said doctor—doctor!—Mr. M.D., can you tell me what's ailing me?' " he sang in a mimicking tone. "Tommy," he went on, "Tommy, I know, loves them. Loves them so much he sues their asses!" He picked up a piece of sushi with his chopsticks and ate it slowly. "Doctors? Let me give you an example. A cardiologist. His patient's a tool-and-die maker. He's worried that a stress test may precipitate a heart attack in this guy, so has him transferred to a hospital where they've got the facilities to do a catheterization. So a cardiologist there does a cath, which shows disease in one of the coronary vessels going to the posterior wall of the heart, and they decide the guy's not going to need an angioplasty or surgery. Unfortunately . . ."

Singleton smiled. "In my business, there is always an 'unfortunately.' Unfortunately, the cardiologist who performs the cath puts the catheter in wrong. Somehow there's an extravasation of blood, which this guy sees but can't comprehend—he should be contacting a vascular surgeon, but doesn't. He's off seeing other patients, two hours go by. The patient's blood pressure is dropping—he's got a horrible pain in his stomach. Finally, a vascular surgeon's called in. Before she—the vascular surgeon's a she—arrives, the cardiologist is assuming there's been a myocardial infarction—he's pumping the patient with Lasix. The vascular surgeon arrives, correctly diag-

noses the problem as abdominal bleeding caused by the catheter. The patient, meanwhile''—Singleton paused and ate another piece of sushi—''the patient is bleeding to death. They get him into surgery, and the surgeon stops the bleeding. The guy stays in the hospital another week. Two months later, he's back to work, with no active disabilities. I agree. There's a lawsuit. The pain and suffering caused by the cardiologist's mistake. The pain and suffering of being brought to the brink of death. That's all the damages you've got—the guy needed a cath and he's functioning fine now. What do plaintiffs want? Seven million in pain and suffering. Oh, sure—no problem! But there is, I must admit, an alleged fact—a plaintiff's lawyer's *dream*. On the way to the O.R., the cardiologist and the surgeon are talking while the plaintiff's lying there, having lost all this blood, his stomach feeling like it's exploding. They think the guy's out cold, but, apparently, he's not—the plaintiff signs an affidavit that says the doctors were laughing. They're saying to each other that there's absolutely no way the guy's not gonna pop! Pop, incidentally,'' said Singleton, ''is the word docs use to describe the act of death. You pop!''

''Do you think it's true?'' I asked.

''How do I know if it's true?'' Singleton shrugged, picking up another piece of sushi and swallowing it in one bite. ''It's in the affidavit. It's what the plaintiff is going to testify to.''

''What do the doctors say?''

''What the hell do you think they say?''

He sat back and snapped open the top of a can of Diet 7-Up, taking a long drink from it. ''Your question about lawyers,'' he said. ''I was on the phone this morning with a woman I worked with when I worked with the city who split New York after working a couple of years at Littan Taylor Gaillis. She lives in Denver now. I asked her how things were. She's a partner at one of the leading Denver firms. She said clients now tell *you*—in no uncertain terms—what *they* want. That's it. The idea of counsel, of giving advice? That you're supposed to advise the client when you're putting a deal together where the risks are—that this provision or that provision should be put into the deal in the event A, B, C, D, or E happens? She told me she had a client tell her not to worry about 'the nuances'—if something goes wrong, worry about it later. That's if anyone's still around. No one's staying at one place too long these days—*especially* clients. They want a document, a piece of paper, that's it. It's not a whole lot different from a form will. You go into the computer, pull out a prior deal, move provisions around, fill in the names of the parties, change some words here and there. Suggest a few more hours of work to put in, quote, the nuances, and you're told no, sorry. They'll go somewhere else. They're thinking why give the money to the lawyer, no matter how much it is. Keep it yourself.''

Singleton paused, looking directly at me. ''I can only speak for myself,'' he said, ''but, in my opinion, things have changed *significantly* in the nine years I've been doing it. It's like that psychotic who killed those people on the Long Island Rail Road—what was his name? The psycho who tried his own case? One of the bailiffs—someone like that—said he wasn't all that bad, that, in fact, he was better in the courtroom

than many, if not most, of the lawyers he sees. That's what I think's happened." Singleton moved his tongue between his lower lip and his teeth. "Everyone's a lawyer. Everyone now thinks like lawyers think. Notice how often you hear the word 'transactional' these days? You didn't, not even five years ago. Now everyone is using it. Invented"—he pointed his thumb toward his chest—"by us liability types. We are the original transactionals. That's good. I like that. The original transactionals!"

Singleton wiped his fingers with a napkin, then finished his soda. He stood and walked over to his gray suit jacket hung on another chair, pulling a cigarette out of one of its pockets. "I'm going to smoke," he declared. "I know we're not supposed to, but the fuck if I'm going outside into twenty-degree weather to do it. It's true," he went on, lighting his cigarette, blowing the match out with the smoke he inhaled. He was still standing. "I'm not talking about criminal law—which is booming. Though," he said, after taking a drag of his cigarette, "I can see transactional costs there, too. Take, for example, my clients. One, in particular, underwrites medical-malpractice insurance. My client is obliged by contract to defend someone who's allegedly done a civil wrong—negligently injured somebody. My client charges this someone who allegedly negligently injured somebody X dollars a year to insure him against any liability the legal system may impose on him. My clients pay me—not as much an hour as Salomon Brothers pays its outside counsel, but I get paid well. In fact, in a way better, because I don't have to deal with all the shit you have

to deal with with banks. My client has in-house counsel—a former partner of my firm is, in fact, head counsel. He's watching how much he's paying me at the same time he's figuring out how much of the cost of what he's paying me can be passed on to his insureds—the doctors—who, then, are figuring out how to pass that cost on to whoever needs, for example, a brain scan. There's a lawyer like Tommy Rao on the other side who knows he's got a five-million-dollar case—it can be any kind of case—if he can get me to a jury. But I also know he won't get me to a jury for at least three years, maybe five if I can delay it long enough, which I can do, and that he's paying money out of his pocket, and that if I offer him—round number—a million, he gets three hundred thousand dollars, roughly, tomorrow, which he can put into a T-bill, minimum six percent. If he waits five, he makes, with all the legislative limits on damages, how much? He's thinking that, I'm thinking that—you know it, I know it, and my client knows it. Transactional."

Singleton sat down again, flicking the ash from his cigarette into the empty soda can. "You take any legal problem," he said. "Any form of negotiation. I once heard a very smart lawyer say that the art of negotiation is to make it easier for the other side to say yes rather than no. It's exactly right. The art of negotiation is to make it easier for the other side to say yes rather than no. So. What's Tommy get from me? Two million. My client knows how good Rao is—he doesn't want the litigation costs run up too high. We're not talking about a bogus case brought by a

bogus lawyer where we'll spend money to smoke the fucking weasel out. We're also not talking about what I call the human factor. The plaintiff's lawyer, or your client, doesn't get what's happening transactionally, or does, and doesn't give a fuck—they want blood. So the lawyers on both sides give them what they want, which is blood. Never underestimate the revenge factor. People will spend a lot of money to get even. Let's assume we don't have any of that. Assume we have a plausible lawsuit—Tommy Rao wouldn't be bringing it if it weren't. Could Tommy have gotten us to the point where three million would have made it easier for us to say yes? I think so—but there will be other cases, and, knowing Tommy, he had other things on his mind. Tommy's thinking transactionally, too, in terms of his own goddamn business."

"What do you think of plaintiffs' lawyers?" I asked.

"Did you ask Tommy that?" Singleton leaned over and put his cigarette out, pressing it into a plate. "What do I think of plaintiffs' lawyers? Well, I once was one myself," he said, with a tone of thoughtfulness. "I make money because of them. That's what I think of them. Other than that?" He shrugged, then paused. "A new associate of ours—a rookie—but very smart. We settle this shitass case for thirty thousand and she says, 'But our client didn't do anything wrong.' Wrong? Wrong? I told her right or wrong has nothing to do with it. If we thought—if the client thought—it was worth the money to litigate, we would have litigated. That sometimes you pay when you know the lawyer on the other side has figured out

you're going to pay no matter what the law is. The law, I told her, is just another—and not always that important—transactional consideration."

Singleton moved his chair back and put his feet up on the conference table. He clasped his hands behind his head. "Let me tell you what I think of plaintiffs' lawyers," he said. "We'll let the facts speak for themselves. Guns are smuggled into Rikers Island—convicts bribe the guards. The smugglee, then, very carefully, through a pillow, shoots himself—it's not worth it to hurt yourself *too* seriously—on the surface of his thigh. There are five, ten cases exactly like this. Multimillion-dollar lawsuits. The city's negligent for not preventing the guns from getting in—the city's negligent because it didn't take adequate precautions to make sure its inmates don't hurt themselves." Singleton put his feet back down, and leaned forward. His steel-gray eyes were narrow. "Yes, yes—there's an intervening-cause issue, and there's close to one hundred percent contributory fault, but you take the plaintiff as you find him, blah, blah, blah, blah, blah. The bottom line? Who insures the city? You and I. The deepest pocket on earth. You tell me," Singleton asked, "what kind of person would write out a complaint in a case like that? While we're at it . . ."

He paused again. "Do you know what else gets me hot? It's not as bad as it used to be, but you still see it. This life-style crap. 'I'm really not a lawyer, I am'—what? Every damn thing in the book. I'll say this about doctors—can you imagine, you go to a doctor, and the doctor tells you that he really hates being a doctor, that what he really is, is the lead singer in

a band, the Dog Dirts? The fucker would be sued for malpractice.''

Singleton stood up and straightened his shoulders. ''Ever notice how it—it sort of takes over? Like a disease?''

He put his jacket back on and then sat down again, crossing his legs, slouched in his chair. ''This was three days ago. This past Monday. There was a sale—one of those cheap shoe stores on Nassau. A little after lunchtime. I ask to try on three pairs of shoes. The guy—he was from Bangladesh. I could tell by the accent. I know doctors from Bangladesh. He spoke with a Bengali accent. You know—not that choppy way the A-rabs talk—but the choppiness with the singsong, that jive singsong that drives you crazy. This guy was very dark—black, really. He goes downstairs, comes back up, he's pissed off, he hates his job, he hates me—have you noticed the entire city's a bunch of immigrants who hate their jobs and hate you for making them do them? Of course, the shoes don't fit right. I say, as politely as I can, I'm sorry, but these don't fit right. Suddenly there's this attitude. Oilyhead says to me, 'What-a do-a you-a mean-a none-of-a these-are-a right?' I ask him—I'm trying to be polite—is there any problem. Do you know what he says to me? He says, 'You-are-a the problem.' 'I'm the problem?' I say, I must admit''—Singleton put his hand up—''a tiny bit perturbed. 'Why am I the problem?' I ask. 'I really don't see why I'm a problem, sir.'

''Well, the 'sir' sets the guy into orbit. He's got a build to him—five-ten, maybe, heavyset, a thick neck. His carotid artery starts pumping up and down. 'Fuck you!' he says—no singsong to it, either. This guy is telling me to get fucked! 'What did you say?' I asked. 'Fuck you,' he says again. 'Well, go fuck yourself,' I say. He then says to me—quite defiantly, actually—back into singsong, 'Why-a don't-you-a leave-out-of the-store-a.' I say no. I tell him I have no intention of leaving out of the store-a. I tell him I'd like to look at more shoes. The guy goes nuts! You can see it—he wants to punch me. 'Please sir, please,' I say—I've got my voice as low as I can get it. 'Please, sir, please, please, please, please, sir—right here. Hit me. Take your fist and hit me. Here. In the face'—I've got my face right next to his—'please hit me as hard as you can. Please, sir—make my life—hit me. Please!' Suddenly he's getting real nervous. 'Please, sir, please, sir, hit me, please, sir,' I say. 'Please, sir, please—and, sir, please, after you hit me, call the police. Please!' There's another sales guy there, a Caribbean type. I like those guys. At least you can talk to them. He comes over and asks me—he's trying to chill me out—to leave. I ask for the owner. He says the owner isn't there. I ask him, 'By the way, does your friend have his green card in order?' Ka-*boom*! 'Boy,' I say, 'wouldn't the Immigration and Naturalization Service like to hear about an assault and a battery in a shoe store that's probably a front for drugs?' Ka-*boom*! Ka-*boom-boom-boom*!''

Singleton took a pack of Marlboro Lights from his suit jacket, placed it on the conference table, pulled a cigarette from it, lit it, inhaled, then, turning his face to the side, exhaled a mouthful of smoke.

"By now," he said, "beads of perspiration are forming on Bong-a-la-desh-ee's forehead. I stay there a moment or two more, I don't say anything, letting the tension build. Then I walk out, and say as I go by him, my voice as soft as I can make it, 'Fuck you, you fucking illegal, fuck fucking you!' "

Cerriere's Answer