

THE KITE FLYER

THE FIRST KITE HE FLEW out of his window had a golden dragon on its face, a triangular pale blue kite, and the dragon glittered in the weak Chicago winter sunlight as the kite rose above the office buildings on Michigan Avenue. It had a yellow plastic tail and the kite would rise, swoop down, and rise again as he fought to pull it up so it would fly free above the buildings. When he succeeded, he anchored it by tying the string to one of the handles of his windows. He flew it for maybe fifteen minutes, then reeled it back in and closed the window.

Frederick Marcus had been a lawyer for over forty years in Chicago. He was a solo practitioner with an office in a rather undistinguished older brick building, hidden in a crevice between two slick modern high-rises sheathed in aluminum and steel. He had slightly cut the index finger on his right hand pulling the kite back into his office. He sucked his finger and wrapped it in tissue. Why was he flying a kite? He didn't really know why he was doing it. The Tibetans flew kites out the windows of their lamaseries to try to communicate with the spirit of God. Why couldn't a Chicago lawyer do the same thing? He could even tie bells to the tail.

A man on the train this morning was reading a memo in Pakistani. He leaned into Marcus as he bent to give the conductor his ticket. A young woman clerk at McDonald's in the station where he stopped for a cup of tea, very pretty, petite, Spanish accent. "Where are you from?" Marcus asked her. "Quito, Ecuador." "I met a man once from Guayaquil, on a ship on the way to Europe," he told her. He was always too garrulous. "Enrique. He had a gold cigarette case and he raised horses in the mountains and brought them down to the sea to exercise them in the warm salt water." The young clerk stared at Marcus and then she smiled. "Buena suerte en los Estados Unidos," he said to her as he left with his paper cup of tea. He passed a beggar on the bridge. The man had no teeth and desperate eyes. He was Marcus's age, about sixty-five. "How are you today, sir?" he said to Marcus and shook his cup. "I'm okay, how are you?" "Got cirrhosis of the liver, got it bad." "Here's a dollar." "Thank you, sir, God bless you, sir."

Lately his clients had been paying him in cash. A widow for whom he'd drawn a living trust and a pour-over will and health care and property powers of attorney, after the will signing, turned to him and said, "I owe you a thousand dollars, Mr. Marcus, right?" Then she reached under her skirt and unpinned a tiny cotton purse from her stocking, opened it, and counted out ten \$100 bills and put them on his desk. "You can't trust anyone in the city, so when I carry big money, I carry it there." She straightened her skirt. She was about eighty, a petite white woman, bright blue eyes, still very pretty. "When I was a kid I was a hatcheck

girl in New York, and I learned how to hide money. I worked at a place owned by the Mafia. There was always lots of cash around. I quit that job though, because one night after work the owner raped me in his office. He was an awful man, and I got pregnant from him and had an abortion. I've had a lot of bad things happen to me. I've been married three times. The last man though was a kind man and I loved him. He left me enough so that I could live decently. I'm all alone now, and when I go I want my daughter to have what I have. So it's worth a thousand dollars to me. Besides, my memory's slipping. I want to provide for my daughter while I can still use my mind."

Another man came in, a black man in his early seventies, dignified, with easy laughter. He wanted a premarital agreement. He'd been living with a younger woman, about fifty-five, but she'd torn up two prior drafts of the agreement. The understanding was that if she stayed with him and cared for him, he'd leave her his house, which was fully paid for and worth about \$100,000. Marcus had charged them \$450, which the man paid in installments, the final installment in cash. He'd taken down his trousers and removed a small wallet from under his long underwear. "I always carry a hundred dollar bill here because my neighborhood is so full of gang bangers I have to hide it here." He handed Marcus the \$100 bill and laughed and pulled his trousers back up. "If she don't sign this one, I think we can forget about it."

On the way to work today there was a young fresh-faced lawyer wheeling a skeleton down the street on the way to court at the Daley Center. The skeleton was hung on a rolling platform. "Is that real?" Marcus asked the young lawyer. "I don't know." "Poor man," Marcus said, as the young lawyer stood with the dangling skeleton waiting for traffic to clear. At the Daley Center people were being searched and patted down before they are admitted to the courtroom floors, their bags and packages run through X-ray machines. Slim guards in black uniforms with electric batons guarding the gates of justice. In the Daily Law Bulletin at the newsstand counter, on the first page, a lawyer won a \$9.7 million malpractice verdict against a doctor who failed to treat a pregnant woman for severe diabetes. The child was born retarded. If the young lawyer with the skeleton brought that kind of verdict home today, he'd have over \$3 million and he wouldn't have to wheel the skeleton down Washington Street.

As Marcus came up the escalator at the bank, there was a blinking red sign:

SARA LEE
INTERNATIONAL TAX CONFERENCE

He punched out his stocks on a computer at the bank. The last man had punched Fedders Corp. Maybe he should buy Fedders on a hunch. He punched K for Coke. Except K was Kellogg. He suddenly couldn't remember the Coke symbol and he didn't know how to look it up. He'd bought Coke at 28 and sold it for 35. Now it was 74. So much for his acumen at picking stocks. He'd have to rely on clients reaching into their underwear for cash. It was a strange way for a juris doctor to make a living, but it was better than having to attend the Sara Lee International Tax Conference.

The next time he flew the kite was for no particular reason. It was a sunny winter day. People on Michigan Avenue were bundled up against the wind, but they felt the sun on their faces. There was a group of Peruvian pipers standing in the slush playing their fifes and hand drums on the square of the adjacent office building. Squat little men with bronze, ancient Indian faces of Incas, wearing heavy blue and white frayed woolen capes. The sound of their pipes fluttered above the people on the street. He should go down there and stand with them and fly his kite. He could wear the shawl of an ancient Jew and blend in perfectly, perhaps blow his shofar horn in syncopation with their hand drums. Everyone should have a personal hand drum to beat out the rhythms of his life, the inner rhythms. He opened the window and let the kite go, and it quickly filled with wind and the golden dragon unfolded and opened up into the currents. He tried to guide it over and above the Indian fifers, but it swept higher and soon was out of sight and had run to the end of the spool. He would have to get a new spool, a professional kite flyer's reel. He had trouble reeling the kite back, but this time he didn't cut himself and he let the dragon glide for a few moments on a short halter before he closed his window. He had six messages on his voice mail. The eye was flashing six times.

The next morning he deposited the \$100 the man had taken out of his underwear. As Marcus crossed the Daley Plaza he met a lawyer friend who told him his partner had forgotten his keys to the office this morning and had bloodied his hand pounding on the door to get someone to let him in. "He's in a foul mood." "Tell him to calm down," Marcus said.

In front of the State's Attorney's office there was a man on the sidewalk holding a sign:

THE MEMBERS OF LAW ENFORCEMENT
IN THIS CITY ARE ALL CRIMINALS

THE STATES ATTORNEY IS A CRIMINAL

GRAVE INJUSTICES HAVE BEEN COMMITTED
AGAINST MY FAMILY AND I

THE STATES ATTORNEY AND HIS OFFICERS
SHOULD BE INDICTED

Suddenly the man with the sign was gone. Marcus looked up and down the Daley Plaza, but the man was gone. In the newsstand box, a Spanish language newspaper with the headline, ¿BUSCA LA JUSTICIA? (Is this justice?) It was a story about a man now on his third trial accused of murdering a young girl. Twice his convictions and death sentence have been reversed. Do they have the right man? Marcus stared at the headline, the strange inverted question mark preceding it, and a single line: ¿BUSCA LA JUSTICIA?

This morning he has three calls on his voice mail and eighteen saved calls. He's too tired to erase the saved calls, he doesn't want to listen to them. Then he has a sudden burst of energy and erases all his saved calls, all eighteen. "Hello, Mr. Marcus, this is . . . [erase] "Mr. Marcus, it's . . . [erase] "Fred, I'm calling about . . . [erase] He delights in doing this, erasing the calls with a burst of blipping, he erases all of them with his index finger, like a demonic one-note pianist, until his entire backlog is wiped clean and he's ready to face the day. Voice mail costs him \$10 a month. He has to make some money today. He can't fool around. He's only taken in about \$575 this week in checks. It's the third week of the month and his billing is just trickling in. Last week he had the clients who magically pulled cash out of their clothing, so he'd been taking it easy, listing to the Inca pipers and fooling around with the kite.

Today would have to be a serious money day. He only has \$300 left in his checking account. He has a rule in running the office: he always pays his bills immediately, and never uses his savings to run the office. So today he needed to stop flying the kite and listening to the hand drums and pluck a \$2,500 retainer from the four black women coming to see him about problems with their aunt's will. He felt anxious about the appointment. He felt the fine bones of his face. He suddenly saw himself as having the tiny facial bones of an anxious ferret. There was a manic beggar on Michigan Avenue who always kept a pet ferret in his cap and stroked it as he called for coins. If Marcus had become a trial lawyer, he would have made millions. Again today in the *Law Bulletin* another lawyer brought home two multi-million judgments in one day,

one in a contractual dispute, a bench trial, the other in a legal malpractice case, both in one day. Two million in a day, and he, Marcus, was figuring how to hit on these poor black women for \$2,500.

When he met them in the waiting room he could see two of the women were crippled; one had a walker and one had a cane. They greeted him with animation and laughter. Could he take money from these poor women? He should see them *pro bono*. Were they laughing at him? Maybe if he wore a black hat, a caftan and a hidden beeper on his waist like an elderly Hassid waiting for the coming of the Messiah, they wouldn't laugh at him. If he wore a beeper, he could be called back to Jerusalem through a tunnel under the oceans by Rebbe Schneerson, the ancient sage of the Hassidim. He would be introduced to God as a lawyer in his fortieth year of practice who finally did something *pro bono*. He hadn't taken a *pro bono* case since he was a kid lawyer volunteering in his neighborhood at a legal clinic.

The granddaughter, about twenty, was sweet-faced and bright. Her two aunties were both crippled, in their forties, one with a walker the other with a black cane. Her grandmother was a tired-faced woman exhausted by life and the strain of living in the city. They were all urban poor from the heart of the city, and the blonde receptionist in her stylish Irish tweed skirt and pink cashmere sweater looked disdainfully away from them as they walked down the corridor to Marcus's office. The woman with the walker was in pain and she could barely walk the short distance down the hall. The others went ahead.

When they were seated, she became the angriest, demanding that the three-flat left her and her sister by their aunt, their mother's older sister, be sold, that they couldn't afford to pay the expenses and taxes. She and her sister would each realize more than \$20,000, but their mother who was living on the third floor would be out on the street at seventy-five with no place to live.

"That's wrong, Auntie," the young granddaughter said. "Absolutely wrong. Can't you both see that's wrong? Grandma's lived there for twenty years. You tell her, Mister Lawyer."

"First of all," Marcus said, "I'm not going to charge you for this conference. I want you to know that. I just want you to relax." He unconsciously felt a throbbing at his waist, as if his invisible beeper had just sounded.

They all looked at him without any change of expression. They would never trust a white man wearing a suit.

"I think your granddaughter is right. Why sell the building? It was left to you two daughters free and clear. All you have to do is fix it up. You'll each have an income for the rest of your life."

"The tenants aren't paying rent. This man in the back owes over twelve hundred dollars."

"Put a five-day notice on his door."

"We can't even get Mama to move downstairs." The daughter who could barely move her legs was still very angry. "We could rent her upstairs flat for six hundred dollars."

"Why should Grandma move? She's lived up there for twenty years," the granddaughter said again and pointed her finger at her two aunts.

"Can't you get someone else in the lower flat?" Marcus asked. "Someone your mother's own age who she could be friendly with. They could watch out for each other."

The crippled daughter was beginning to calm down. "I suppose we could put it on the board at church, get a church lady."

He realized that all they wanted was a mediator. They looked at him as if he were a judge. He could resolve this dispute and set this family straight for several generations.

Marcus stood up, like a judge.

The women looked at him and the room was quiet. No one spoke.

"Your mother stays in her flat." He folded his arms. "You don't have to go into probate. Probate would cost you twenty-five hundred dollars. You'd have to pay a lawyer to do that. You don't need a lawyer. With the money you're not going to spend, you could fix the flat. Just file your aunt's will. The filing costs nothing. She left you some insurance policies. She has no bills other than her funeral. She even left a policy for that. Pay her funeral and use the other money to fix up the three-flat. Evict the tenant in the back who isn't paying rent. I'll send you to a young lawyer for that. Rent out the other two flats and let your mother stay upstairs and live her life in dignity and peace."

The two daughters nodded, and the granddaughter smiled. She was a beautiful young woman whose energy and intelligence would save this family if they gave her something to work with, gave her a chance.

Marcus was experienced in courtroom procedure, and he knew the next step was to quickly get these ladies out of his office.

"That's it," he said, and pointed to the door.

"Thank you for your valuable time, Mister Lawyer. We appreciate it." The granddaughter shook his hand. The two daughters got up and hobbled out and the grandmother carried their coats. "Thank you, sir," she said as she passed him.

"What do you want to do with your life?" he asked the granddaughter as she said good-bye.

"I want to be a writer."

"You'll be a good writer. Have you ever read *King Lear*, the story of the mean daughters who wanted to put their father out of the castle?"

She laughed and so did the others. "You've got a good sense of humor, Mr. Marcus," the woman with the walker said and walked slowly by him, dragging her legs. "Thank you for your counsel."

That night he stayed down late and flew his dragon kite out the window and into the darkness of the city. People could get along, they could help each other. He had other ways to make \$2,500. He felt good. The kite disappeared into the darkness and he could feel it straining on his fingers, but he couldn't see it. He thought of letting it go, cutting it loose. He turned off all the lights in the office and let the kite spool run out, and then he took his scissors and cut the string and sat alone in the darkness until it was time to leave and catch the 8:20. He would have to be careful, though. The streets were very dangerous at this time of night.

He took the pedway, the tunnel under the streets of the downtown area. There was a black man standing far down along the wall in the pedway and Marcus couldn't see what he was doing. Was the man just waiting for him? Did he have a gun or a knife? The two of them were all alone. There was no one else in the tunnel. Then Marcus heard music, and saw that the man was playing the flute, his head wrapped in a kerchief. The man was very good and had the flute hooked to two speakers. Marcus dropped a dollar in his case as he passed.

"Thanks, Doc," the man said, and Marcus headed down the long tunnel toward the train station with the notes of the flute following him.

