

## THE LAW CLERK'S PARROT

HE DIDN'T LIKE THE SOUND of the beeps coming through the ceiling. A new phone system had been installed in his suite, and now every time the lawyer in the adjacent office dialed, the beeps would filter through the flimsy ceiling panels like dart points, beep-beep-beep. And then of course the sound of the fax machine in the next office. Whenever there was a fax it gave off a shrill whine—not dart points like the beeps, more like a spear, a whining, buzzing sound. That, mixed with the constant giggling and laughter of the young secretaries, forced him to close his office door and keep it closed.

Albert Westheimer was a lawyer on Washington Street in Chicago with an office directly across the street from the Picasso statue, a mawkish, rusting, enormous vulture. His office was on the tenth floor in a firm of seven lawyers that specialized in small corporate work, real estate, estate planning, probate, and some divorce. He was in his mid-fifties, married, with a home in the suburbs, and two children in college. He was a slim-faced man with tired grey eyes and wisps of hair that he dyed black, that softened his face, falling over his ears and his collar. He was slender and dignified, a quiet, clever man who underneath the practiced civility was very tough. Two years ago he had disassociated himself from the firm to make more money and now he had a solo practice in the same suite with a secretary and a 20-year-old law clerk, a young woman who had called in today at 1:25 and said she wasn't coming to work. She was due at 1:30 and at 3:00 was supposed to pick up a \$1,700 check that Westheimer had carefully orchestrated. When she told him she wasn't coming, he forced himself not to sound angry, although he was angry. Everything in the practice of law was timing. The check would be there waiting to be picked up, and she had foolishly thrown his timing off.

"You're not coming to work?"

"No, my parrot is sick."

"Apparrotly."

"What did you say?"

"I said your parrot is sick."

"No, it's not funny—she really is. She's in the hospital. It costs fifty dollars a day. I have to have an avian specialist."

"So your parrot comes before my law office."

"She's very sick. She's on antibiotics."

"I needed you here today. On time. I've got a \$1,700 check you were supposed to pick up at 3:00, and now you call me, five minutes before you're supposed to be here."

"It's true."

"All right. I'll see you Wednesday. But we're going to have a talk, a

serious talk.”

And what would the talk be about? Maturity. She was a second-year law student in a downtown law school. She should be mature enough not to let her parrot’s illnesses come before her job in his office. Still, he could solve the problem in 40 seconds. He’d simply call a messenger service and have them pick up the check.

He sat at his desk and closed his eyes. Unfortunately, he liked his law clerk, she really was a nice person, resourceful, smart, honest, and very loyal. But she was spreading herself too thin; his job, baby sitting, law school, papers, exams. She bought the parrot to relieve her stress when she broke up with her boyfriend. She taught it tricks, to say names, to do magic. She taught it to take a card from a deck in exchange for a sunflower seed. He’d even bought her a fake parrot as a Christmas gift. They kept it on a perch in the office, on a file cabinet, a brightly-colored, red, blue, and yellow bird with a microphone in its beak and a tape deck in its gullet. \$19.95 at Walgreen’s. Made in Hong Kong. It sat on a perch, gawked, flapped its wings, and repeated whatever you said to it in your tone of voice.

He hung up on the law clerk and walked over to the fake parrot. After all, Flaubert had a parrot. Flaubert couldn’t write without a parrot beside him on its perch and after they died, he had each of them stuffed. He wasn’t exactly Flaubert, but he was probably the only lawyer in Chicago conversing with a parrot at this moment.

“Laurie’s not coming to work,” he said to the parrot.

“Laurie’s not coming to work,” the parrot answered in Westheimer’s voice.

“She’ll never be a lawyer.”

The parrot gawked and flapped its wings. “She’ll never be a lawyer.”

Albert Westheimer sighed and pushed the “off” switch and the bird slowly nodded into silence.

Well, here I am, a 55-year-old lawyer, 30 years of practice, and I’m standing here talking to an artificial parrot and actually expecting it to commiserate with me. This morning had been an awful morning. He’d sat in the Federal court in a bankruptcy courtroom in the back benches with his client, a tall, angry, black man in dirty strap overalls who was losing his house to a bank foreclosure. The judge was an attractive blonde woman whose face had begun to grow away from beauty into a kind of swollen, vapid cynicism. She had a corps of flunkies, mostly overbearing young women from the U.S. trustees office, and she let them run her courtroom. They droned on and on, calling cases where defendants failed to appear and terminating the Chapter 11 plans and more importantly the stay orders that prevented foreclosure on the defendants’ homes. The lawyers for the creditors, mostly banks, were

always the same three or four male lawyers immaculately dressed in dark suits and vests. They were predatory and officious and bowed and scraped before the judge like little marionettes in a puppet theatre.

It was a very sad affair, and he sat with his client in the back benches with the poor people who were losing their homes because they couldn't come up with 300 or 400 dollars to keep their Chapter 11 plans alive and the stay orders in force. When his client's name was finally called, they went up before the judge, and his client suddenly reached into his strap overalls and pulled out a roll of bills, almost a thousand dollars, and slapped the bills down on the judge's bench. "I have your money, judge." She made a distasteful face and recoiled from the money and told him to take it away. He then spread the roll of bills out on the table where all the creditors' lawyers and U.S. trustee lawyers were sitting, and they moved back away from the pile of money as if it had infected the courtroom. The pile of money on the table was like a glowing nimbus of radiation that no one would touch. In the end though, they took the money, and the stay order on his client's house was reinstated for 30 days.

As he walked back to the office through the underground pedestrian tunnel, he thought of spring. Would it ever come? Would he ever see the sun again? There were two beefy cops, eating sandwiches, going through the doors that led to the tunnel. Each with pistols on their belts, handcuffs, and mace, one held the door open for him with his foot. He said "thank you" to the cop. The pedway tunnel really stank of urine. Why didn't they ever hose it out? Young, fresh-faced lawyers passed him scurrying to court, no coats on in this brutally cold weather. Young women in new suits, eyes fixed, heels clicking. Macho, young guys, all scurrying to book time for big firms. There were always beggars in the tunnel. He had \$500 cash in his pocket; \$250 from the court appearance and \$250 the client owed him from before. He could afford to give a dollar to the retarded man who slapped a tambourine against his hip in time to a stereo. The man's hand was scabbed and raw from the tambourine. He mumbled "thank you." There was an older woman, her feet wrapped in newspapers and plastic sacks. He tried to give her a dollar. She refused it. He tried again, and she refused, again, averting her face. Another man, with one leg amputated, was holding a paper cup. He gave him the dollar. "God bless you, sir. God bless you. Thank you, sir."

Back in the office there was a letter from his law school. His class was celebrating its thirtieth year and had set a target of \$400,000 as a class gift to the law school. One man had already given \$50,000 to start the campaign. Each person was asked to give a minimum of \$2,000. For what? So the professors could lecture in Egypt this summer? That was

one of their projects. He tore the letter up. Justice Anthony Kennedy was lecturing in Salzburg this summer. John Paul Stevens lectured in Innsbruck last summer. He'd like to go to Innsbruck or Salzburg and give a lecture.

Instead, this afternoon he was scheduled to go to the Probate Court. If he could get an order appointing the bank as executor in a decedent's estate, he could be paid the \$1,700 bill he generated opening the estate. The decedent was never married; the only heirs were his mother and his sisters. The man had died out of state, but his assets were all in Illinois, and the bank was nominated as executor by the mother. He'd estimated ten hours at his billing rate of \$150 for preparing the estate, attending the hearing, doing research on jurisdiction over a non-resident, preparing all the documents—Waivers and Consents, Proof of Will, Affidavit of Heirship, Order of Heirship, Bond, Order Appointing Legal Representative. He'd also advanced \$200 in costs for the filing fee to open the estate. The estate had about \$200,000 in assets.

He'd gotten the estate 30 years ago when a friend, who had been one of the bank's trust officers, sent him out to have a will signed by a dying customer. It was a deathbed will. He remembered her pale face, her mouth agape, the frail movements of her hands, the sour odor of her illness. None of the silk-stocking trust officers would go near her, so his friend asked him to go. In exchange, the bank appointed him as attorney for a trust of an incompetent World War II veteran the bank represented as trustee. That was the thread that connected him to the estate, the old lady and her death-bed will and now, 30 years later, he was still connected to her by the same thread. The incompetent veteran had now died, and there was an estate of \$200,000, mostly surplus veteran's disability benefits saved and invested by the bank over the years. They'd done a good job, and the veteran's mother and his sisters would get the money. He'd put in ten hours to open the estate. Actually, he'd put in 30 years representing the bank as trustee, presenting current accounts of its administration of the veteran's assets, 30 years at \$250 each year for presenting the account, and now \$1,700 was due this afternoon, and after deducting his \$200 filing-fee advance it would be \$1,500 net and a \$2,000 day between the Chapter 11 fees and the probate fee. Should he donate the \$2,000 to his law school class? Of course he would, he'd send a professor to Egypt. He'd even assist a professor to join Justice Kennedy in Salzburg this summer. Maybe Justice Kennedy and the professor could motor together to visit Hitler's aerie in the mountains at Berchtesgaden. In the cool mountain air they'd each refresh themselves for their fall terms. Should he ask the parrot if he should donate the \$2,000 to his law school? No. The parrot votes no, and the money stays here to pay rent, phone, and salaries.

In his first job in a law office 30 years ago, he had a boss who used to hide cash in his files and then because he drank too much, he'd forget what file he'd hidden the cash in, sometimes as much as \$2,500, a retainer on a divorce or criminal case. Since the office had more than 3,000 files, there would always be a desperate search to find the money.

He'd been a law clerk once. He'd even been a young lawyer once with a new dark suit, new shoes, a new briefcase, and a fresh face and haircut. His first trial had been a murder case. He sat number-two chair to an old Polish lawyer, his friend, Casimir Zymak, who defended a man who shot his wife because she'd had an affair. She was a waitress and fell in love with a customer. After the husband shot her, he dove through the second-story window of their Chicago two-flat. His mother who lived on the first floor ran to a neighbor and told her, "Oh my God, Billy just shot Maria and now he's on his way to the school to kill the children." Zymak dispatched the mother to the family farm in Alabama to what he referred to in his rich accent and deep voice as "the vitness farm." On the "vitness farm" she'd be unavailable to testify at the trial. Even without the mother, though, the defendant was found guilty. He remembered one adage from the trial. After Zymak had saved the man's life, when the jury came back with 99 years instead of a death sentence, as they walked back to the tavern on 26th Street in the snow, Zymak said to him, "Albert, if the man had the courage to shoot his wife in the back five times, he should have had the courage to get up on the stand and say I didn't do it."

He'd been a young lawyer then, and there certainly hadn't been a parrot in the office. There was another murder case, a young military policeman who'd gotten drunk and, running down an alley from the police at night, knocked on a back porch door with a loaded pistol. When a man answered, he shot him and killed him. He remembered the frightened, pale-faced client, maybe 19 or 20, interviewing him in the lockup. He had no money, just a car. One of Zymak's lawyer friends took the case and pled the defendant and wound up with his car. What did the defendant get? Life? He couldn't remember. He remembered the car, it was blue, a light blue car, in good condition, and he and another young lawyer had been sent up to Fort Sheridan to pick it up and drive it back to Chicago. The car was the fee.

Later in the afternoon, he headed for court through the tunnel again. The same acrid stench of urine. The same cacophony from beggars playing boom boxes, shaking tambourines, one Mexican man with a rich graveled voice on a guitar singing "Quanta la Vera"—What is the Truth?. The lyrics echoed down the tunnel. He gave the man a dollar, and the man bowed the yoke of his guitar. There was a crazed man at the subway entrance, whirling and twirling over the heat

registers and shouting. He avoided him and cut into Marshall Field's, up into the perfume section where he walked amidst the counters and inhaled the scents. He took a sample card of Chanel No. 5 from a woman handing out sample cards and held the card to his nose and inhaled and then walked outside through the swinging doors. He saw a newsstand. On the cover of *Time* there was a drawing of a dark-winged angel with a title reading that 69 percent of Americans believed in angels. He'd read *Time* yesterday and told one of the lawyers on his floor about the surprising percentage of Americans who believe in angels. The lawyer was a tough, smart, man who did personal injury work and drove a red Mercedes convertible and had lots of women friends. "I believe in angels, Albert. I almost died ten years ago from a virus. The Angel of Death came into my hospital room. It had filthy grey wings. But I didn't die. It was so close I could see it had zits, and suddenly this beautiful young woman angel entered the room and the Angel of Death receded and I didn't die." He thought of what his friend said, sniffed the slip of Chanel in the carbon monoxide fumes at the curb, and waited for the buses to pass.

The hearing in the Probate Court was fairly easy. The judge's clerk was always difficult to deal with. She had long auburn hair and was sullen and nasty. She hated lawyers. She could make you wait 40 minutes before she'd call your case. There was always someone she'd insert ahead of you. The judge was also angry and abrasive, with the tired grey face of an alcoholic.

The documents were in perfect order. The consents to the appointment of the bank were all there, signed by each heir. If the judge brought up jurisdiction, he had all the cases ready in a memo, one for himself and one for the judge. Even though the decedent was a non-resident, his assets were in Illinois and that gave the court jurisdiction. He had a section of the Probate Code ready to cite and several Illinois cases. He even had some Federal cases from 7th Circuit involving Illinois probate jurisdiction. He was ready to pour the cases out. The judge hated you if you began citing cases. Twenty lawyers were waiting. Citing cases wasted everyone's time. The judge signed the order with a nod and a grunt. The clerk didn't even look at him when she stamped the order, one copy for the bank, one copy for him. She hated him because he had argued with her once. She'd never forget it and would never look up at him. He watched her long pink fingernails and the ornate rings on her fingers as she stamped the two orders, flicked them out at him across her desk as she rose to call the next case.

So that was the end of the orchestration of the \$1,700 fee. The coda. No thunder of tympanies, no tingle of a triangle, not even a finger snap. just the dull thud, thud of the angry clerk's rubber stamp. Oh there was

a little more to it. A call had to be made to the bank trust officer. Tell her that the order was entered. Tell her that he talked to her assistant, Charmaine, a week ago and had asked her to prepare the check. Had Charmaine prepared the check? \$1,700? Yes, he'd wait while she inquired of Charmaine. He also said to her, "Oh, by the way, the Christmas card you sent was beautiful." He meant it. Before he asked her to inquire of Charmaine (she was Charmaine's boss) he would compliment her on her Christmas card. Of course, he could have called Charmaine directly and asked her where the check was, but no, that call wouldn't be the proper pressure point. It would be better to have the trust officer inquire of Charmaine, her employee. It would be the proper corporate descending order. The Christmas card was a beautiful Childe Hassam scene of a Victorian woman in a big hat and long black dress walking along a snow-covered sidewalk, past a row of old houses, a man in white oil-skins leaning on his shovel and watching her recede down the sidewalk through the snow.

"Thank you Mr. Westheimer. The bank provided us with those cards. I did think it was a nice card. I'll ask Charmaine about your check."

He waited. He was a juris doctor waiting for Charmaine. Charmaine was some high school ninny. He would have to unlock her hands from his money. Her foolish, adolescent, unlettered hands. "Quanta la Vera." First it was necessary to quantify truth to understand it, and the truth of this matter was that he couldn't permit the hands of Charmaine to impede the delivery of his fee. The fee is the truth. In a lawyer's life, the fee is always the truth, no matter what songs are sung.

Anyway, he had misinterpreted the song. It wasn't "Quanta la Vera," which also had nothing to do with truth even though the motto of his university was "Quaecumque Sunt Vera." The name of the song was "Guantanamo." It was a love song about a Cuban woman from Guantanamo. So much for quantifying the truth.

"Yes, Mr. Westheimer, the check is ready. You can send your messenger."

"I would send my law clerk at 3:00 but she's indisposed. I'll send a commercial messenger."

So 40 minutes later, he had the check, plucked it out of the grey slush of the city. He was the man standing with the shovel in the Childe Hassam painting, staring at the woman in the long dress and waiting for springtime.

He stamped the check with his deposit stamp. Thud, thud—this was the real coda, and there was no applause. Together with the \$500 in cash from the Chapter 11 fees he'd have a \$2,200 deposit. Tomorrow on his way to the office walking in the snow from the train station he'd stop at his bank and make the deposit. His rent was due. \$900 plus faxes and

photocopies, maybe \$1,000. He'd pay his secretary \$450, the law clerk \$100, maybe he'd clear \$700. He looked up at the silent parrot perched across from him on the filing cabinet. No applause from the parrot. No approbation.

He stood up and went over to it and switched the parrot on. It gawked and flapped its scarlet wings at him and stared at him.

"Well," he said to the parrot.

"Well," the parrot answered.

"Wholly to be a fool while Spring is in the world my blood approves," he said to the parrot.

The parrot didn't answer him. It just stared at him with its dull blue glass eyes and gave a limpid flap of its wings, its battery apparently weakening.

He touched the parrot's wings and smoothed the feathers and turned its switch on and off.

"A fool in Spring, blood approves," the parrot finally said, its voice running down into silence.