

THE
A TALE OF TRIALS
BEST
AND ERRORS
PEOPLE

M A R C G R O S S B E R G



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GETTING STARTED

PADDY MORAN WAS SO PUMPED he ran the five blocks from the Harris County Civil District Courthouse to his office. After watching one of Houston's most successful and audacious trial lawyers woo a jury panel into the palm of his hand, every positive juice in Paddy's body flowed as he barreled onto Congress Street past the concentration of county buildings. "The sumbitch won the fucking case before the opening statement," he said out loud to no one as he reached his building. "Hot damn!" He bounded up the stairs two at a time to the third floor.

"I wanna be as good as he is. I want people crowding the courtroom to watch me when it's show time. I want people to think if they don't hire me, they've left their best chance on the table. I want other lawyers to offer bigger settlements because they don't want me to whip their ass. I'm gonna . . ." Visions of a boundless future exploded in his mind—packed courtrooms, being a regular on CNN prime time panels of legal experts, articles in the paper.

Reaching his desk, he loosened his tie, settled into his chair, and let the air conditioning cool him. He imagined himself commanding the rapt attention and admiration of judge and jury and awing and humbling opposing lawyers.

His office was on the top floor of an early 1930s Art Deco building, just east of Main Street. The district that once housed premier business locations had gone to seed, but additions of new courthouses, Minute Maid Park, the George R. Brown Convention Center, and Discovery Green helped revive the area. Modern apartment buildings catering to millennials had sprung up where just a few years before people had feared walking after dark. He shared offices and Bernice, the secretary/receptionist/bookkeeper/office manager/paralegal/gofer, with George Accurso, a fellow former Houston Police Department policeman turned lawyer. The

rent was cheap because both the landlord and the historical society had neglected the building for years.

His view to the west and south was magnificent—shimmering skins of the skyscrapers dominating the dramatic Houston skyline. His favorite was the Bank of America building, fifty-six stories with spires and gables that made him think of Batman’s Gotham City, where, in his childhood fantasies, Paddy took turns being superhero and super villain.

Two weeks earlier, thirty-six-year-old Paddy had been sworn in to the Texas bar. He had gotten a late start, but if he was going to let that bother him, he wouldn’t have headed down this road to begin with. He spent most of his days roaming from courtroom to courtroom hoping to catch the city’s best lawyers in action. He had yet to have his first client and he knew he had to get clients if he was going to be the baddest lawyer in a city of great lawyers. It would happen. With four million people in Harris County, about half of them in Houston, some forty thousand civil cases were filed every year. He was sure that sooner or later he would get his share of the good ones.

“You have a call, Mr. Moran,” Bernice said, interrupting his reverie. “He says his name’s Jed.”

Jed was Paddy’s best friend from his days at the HPD. Paddy grabbed the phone, smiling. “Hey, pal. What’s up?”

“I’ll tell you when I get there,” Jed said in a cold monotone.

“Sure. Come on,” he replied, puzzled.

While he waited, without much to do other than pulling up his tie, he read yet again the framed certificate on the wall across the room. Each time he read it, his thoughts wandered to great victories that he, a six-foot-five, red-haired Irishman, super-sized Cousin Vinny would achieve.

This is to certify that Patrick Xavier Moran, having fulfilled all requirements and having subscribed to the official oath, is, upon motion of the Board of Law Examiners, hereby duly admitted and licensed as an attorney and counselor at law to practice in all Courts of the State of Texas.

May 16, 2007

Hearing Bernice greet Jed, Paddy spun around, eager to see his good friend, then shrank back, his toothy smile fading as he saw Jed sporting several days' beard and dark circles under his eyes. Instead of his uniform, Jed was wearing Levi's, scuffed boots, and a T-shirt so faded that one could barely read its message: "Keep Houston Un-Weird." His shoulders slumped. He clasped his hands at belt level as if they were cuffed. Paddy figured Jed would not be receptive to one of his bear hugs.

"You look like shit."

"Thanks," Jed said, as he dropped into a chair opposite the desk. "Jessie kicked me out. It's done. She found out I was doing Darlene."

"Darlene? Again?"

Jed's gaze fell, and he nodded. "Yeah . . . again. This time Jessie filed."

It dawned on Paddy that he was looking at his very first client. He resisted replying as he would have if they were still fellow cops, "Schmuck, what did you expect?" Jed didn't need to hear what others had doubtlessly already told him. Catching his own reflection in the window—a man in a suit, groomed, and looking professional—he decided this conversation should be devoid of the "fucks" and "shits" that were a part of their normal banter. Intending to communicate his care and confidence, he said, "How can I help?"

Jed's brow furrowed. "You're a lawyer, aren't you?"

"Yes, but I'm still your friend."

"Yeah, well, how about just being a lawyer?" Jed snapped. "What're you gonna charge?"

Determined not to let Jed's frustration stir his own temper, Paddy said, "I dunno. Tell me a few things first. What assets do you and Jessie have?"

"My pension. The house with a mortgage that might be more than what we could sell it for. A rental property. It has about ten in equity. I got my truck. She's got a Yukon. I make both payments."

"We both know I don't have a lot of experience," Paddy said, "but I'm pretty sure how this will play out unless there's something big you haven't told me. With those assets, Jessie will get the house and from half to fifty-five percent of your pension. She gets her car. You get yours. Everything else will go fifty-five percent to her and forty-five percent to you."

"Why does she get more than fifty percent?"

"Theoretically, under the community property laws, that's all she's

entitled to, but you're working, she's not. You cheated on her. Yada yada yada. The extra five percent isn't worth fighting about. How old are the kids?"

"Valerie's twelve and Jed Junior's eleven."

"How much was your last W-2?"

"I'm not sure, but if you throw in moonlighting security jobs, say a hundred thou."

He quickly looked online for the Family Law Code schedule of child support payments based on income.

After Paddy told him the amount, Jed breathed deeply, shook his head, and said, "I really fucked up."

"First time was a fuckup. I don't know what to call this one."

"Just tell me what you'll cost," Jed growled.

He should have spent more time thinking about fees. They don't teach that stuff in law school. He could say a flat seven fifty. He could make it hourly. But Jed was a buddy, and he was busted. Whatever he charged would be more than Jed could afford, though he would somehow pay it. He'd probably end up unhappy no matter what, even if he thought Paddy had done a good job, because he was unhappy with the situation he'd gotten himself into.

Then synapses exploded in Paddy's brain. His savings would keep him afloat for at least six months. Jed was highly respected, with many years on the force. Soon he would make captain. Jed promoting him could be the best kind of advertising. And Jed really was his best friend.

He walked around the desk. Putting his massive hand on Jed's shoulder, he said, "If you promise, I mean promise"—Paddy squeezed tightly—"not to tell anyone, and if the facts are no more complicated than you've told me, I won't charge you a thing. You pay out-of-pockets, like court costs."

The tension left Jed's face. He sat straighter. "Buddy, you don't know what that means to me. Not just the money."

"Look, you're my pal. You came to me at one of the lowest points in your life." Lowering his voice to a gravelly pitch, assuming what he intended to be a wise counselor's expression, he said, "That means a lot to me." In fact, his guess was Jed had come to him because he assumed Paddy would be cheaper than more experienced lawyers. After all, it wasn't going to be a complicated divorce. Nevertheless, Jed was overcome with emotion.

Feeling a tiny bit emotional himself, Paddy added, “If I can’t help a buddy out when he needs me, then what kinda guy am I? Just don’t go telling people I didn’t charge you. I can’t afford to become a fuckin’ legal aid society for cops who get busted by their wives.”

Jed pushed his chair back, stretched out his legs, and said, “When you first joined the force, I thought you were a lifer. I was hoping you would be. I never saw anyone better at making the right decision in a critical situation. I knew that when my ass was on the line, I wanted you to have my back.”

“You guys really took me in,” Paddy said. “Even let me join the weekly poker game. The only reason you still let me play is because I lose most of the time.”

Paddy’s thoughts went back to the now distant universe that had once been his Brooklyn, where a cop’s life would have given him all the respect he could have wanted. Walking, sometimes strutting, neighborhood streets, he saw shopkeepers smiling appreciatively and punks avoiding eye contact. He felt in complete command, entirely comfortable with his environs. It was good. Then a new captain took command. He and Paddy had a serious run-in because Paddy hadn’t been tough enough on some young black kids suspected of a purse snatching. Paddy knew the teenagers and their parents. The captain did not. But Paddy also knew this guy could make his life miserable for a long time.

The next day Paddy opened an email posting a job with the HPD. “Saints be praised,” his grandmother might have said. On a whim, he responded.

Basically a loner with no family he wanted to be around, he would miss no one in Brooklyn. The pay was decent and the cost of living way less, and his pension seniority would transfer. A week later, he was in Houston. Instead of walking the streets during shifts, he cruised in a Ford Crown Victoria.

It didn’t take him long to see that all kinds of people could make it big in Houston, people who came to the city with nothing and became big shots. He wanted that, but he doubted he’d reach great heights as a policeman. He began taking night classes at South Texas College of Law. Tired of dealing with perps, he wanted no part of criminal law. He focused on family law and plaintiffs’ personal injury, two areas that weren’t dominated by the large law firms.

“Hey,” Jed said, damming Paddy’s stream of consciousness. “Speaking of poker, you doing anything else at least once a week?” Jed winked.

“Nah. Like they say, the law’s a jealous mistress. I just go to the gym and my place, watch TV, read lawyer novels. Yah know, chill. That’s enough.” He didn’t mention the hookers.