



Belvedere Castle, Central Park

## One

When I play it back in my mind, the kid had it coming. He was a big kid, muscled up, with a sneer on his face. Came out the door of the bodega at Broadway and 137th, saw me, and didn't run. Didn't say a word. Just squared up at me and threw a jab and a hook like we were at the gym fighting fair. Maybe he even landed one. If I lean on the memory a little, I can almost feel a glancing blow above my ear, enough to send a pulse of pain through my head. It would have hurt his hand a lot more. The skull's no place to land a hook, not if you're planning on throwing another punch with that hand.

The kid was planning on it, but I didn't give him a chance. It was a right, the hook, and it pulled him forward, off balance. I stepped back with my left foot, pivoted, and got his wrist in my left hand as his fist glanced off my head. I finished the turn, spinning him the rest of the way around. I brought my right hand straight up, the heel of my hand connecting under his chin. Then I put my forearm into his throat and stepped forward, driving him back into the brick wall. I put some weight into it, and the impact knocked the wind out of him. I helped it along with a straight left under the sternum. Just one. Then I stepped back and let him collect himself to take another shot at me. When he did—

No, that wasn't it. Not really. The memories all blur together now, but every so often, more often than I like, they come back clear and sharp, and I know that the kid—it doesn't matter which kid—didn't take that second shot at me. Probably didn't even square up to begin with. They didn't back then, not much. But I beat the shit out of them anyway, because that was my job.

So nowadays I try not to play those memories back.

When I got the call on the Hausman case, I was in Central Park, up on Belvedere Castle, looking out over the Great Lawn, playing my clarinet. I was playing the clarinet to erase some memories. It doesn't matter which ones. I know you can't erase memories. But sometimes you can push them aside for a while. The clarinet does it for me, most of the time.

I play outside, the way Sonny Rollins did in those years when he was depressed over not being Coltrane. Sonny favored the Manhattan Bridge, and he had to play loud so he could hear himself over the traffic. He could, because he played tenor sax, which is a powerful instrument. The clarinet is about grace, not power. It was the king of swing but never made the transition to rock. Two of the biggest pop stars of the first half of the twentieth century played clarinet. But nowadays? A lot of people don't even recognize it. People confuse it with the soprano sax, the one with the straight bell, the one Kenny G plays.

Soprano sax is what you hear when you're flipping stations in the car and you land on the smooth jazz station. Soprano sax is not a macho instrument. Neither is the clarinet. You might say I play the clarinet to express the more delicate and sensitive side of my personality, the feminine side, almost. You might. But no one ever does.

I don't play outside because I'm trying to be Sonny Rollins. I'll never be Sonny. I have no illusions. I'm a corrupt ex-cop and a thug and a bagman and a fixer. But not when I'm playing my instrument.

I play outside because it's hard to find an indoor space in New York to play a loud instrument. You can't mute a woodwind. The sound comes out through all the holes, not just the bell. Best you can do is put the instrument, your hands and all, in a bag. There are actually some bags sold for that purpose. Supposedly you can cut the sound by half. But

I could never bring myself to play a horn in a bag. Some things aren't meant to stay quiet.

When I was in uniform I used to keep my horn in my patrol car and play whenever I got some downtime. There can be a lot of downtime in cop work. A lot of waiting around. A lot of time to practice.

I don't think it would go over well with most commanders nowadays to pull out your instrument at a crime scene, but this was a long time ago, and my boss played things loose. Especially with me, because I made him a lot of money. I appreciated that, because crime-scene aesthetics are perfect for jazz. Have you ever played your horn leaning up against a dripping brick wall at three in the morning watching the yellow tape flutter over a fresh homicide victim lying where he fell, waiting for the medical examiner to cart him away? I have. I played "Harlem Nocturne" and I think the stiff appreciated it.

I stayed in the habit of carrying a horn with me on the job the whole time I was on the force. You walk into a station house carrying a clarinet case and people think you just bought a fancy new handgun. I kept it in the car with me even when I was doing thug and bagman work. When the job involved violence, I always felt a little bad for the instrument, like it had been offended somehow, even though it had stayed safely in its case.

This particular beating I was remembering was run-of-the-mill. Why it was in my head that day I don't know. They just pop up. I used to think it was a visual cue, like maybe I was near the place where it happened, but that's not it. Maybe it was triggered by the song I was playing. Not the melody, just a phrase. Just a little run of notes, maybe an arpeggio sketching out a chord, then a little alteration. C-F-G, up to C, then down to A-flat. The opening phrase of "Round Midnight": 1, 4, 5, 8, flat-6. That's all it takes, sometimes. A little run of notes. Maybe something I improvised and forgot, just sitting there waiting for the moment when the rhythm and the chord changes are right. People say that smell and taste are the most powerful memory triggers, but not for me. For me it's music.

It was debt collection, which was what they usually were. The debtor was a dealer in Washington Heights, and the creditor was my precinct

captain. The debt was incurred as part of the standard protection agreement, according to which we'd let the dealer work and he'd pay the captain a monthly fee. The fee was a reasonable one and usually the dealers made out okay, but sometimes they'd come up short. Some guys had bigger crews to pay, some had bad business models, some just got unlucky.

My precinct captain at the time was Michael Settentio. "Big Mike." You probably read about him a few years ago when he went to prison. He was very strict about payment. We never, for any reason, tolerated delinquency. If a dealer missed a payment we'd roll on him and repossess his assets. The problem for the dealers was when their assets couldn't cover the debt. Some guys would take a vehicle, but the captain deemed it too risky. There was department protocol for seized vehicles, and it definitely didn't include just taking the keys and rolling. Bling we could take, but it wasn't much good to us. We didn't wear it, and we weren't about to go wandering around the diamond district looking for buyers.

As for the product itself, it was worthless to the captain. He was in the extortion business, not the drug business. He wanted a revenue stream, not a trunk full of shrink-wrapped bricks of coke. Not that there was usually much product to seize—if the dealer had the product, he could move it and make his payments. It was mostly when he lost a load and didn't have a rainy day fund that we had to pay him a visit. And then we'd take our payment in flesh.

We'd time our visits for maximum viewership, because we needed to do more than just collect the debt. We needed some theater, so that the rules of the game were firmly instilled into every neighborhood entrepreneur, every customer, every mope on the corner.

The crew was pretty small then, mostly the captain, me and another detective, and four or five young uniforms who saw where the money and violence was and wanted some of it. No one else was around that day, so when the captain said jump, I went out to handle it solo.

You'd think it would be scary, walking up on a group of armed drug dealers working their corner. But it never was. They knew I could pull my gun and kill them and I'd get a medal and grief counseling, but

if they raised a hand to me they'd be going to the hospital shackled to the gurney guardrail. It wasn't a level playing field. The only time you want a level playing field in a fight is if it's in a ring and you're not betting on it.

And I wasn't worried about accidental violence from someone who didn't know me and thought I was a mope. I still have the cop look, but now I work pretty hard to tone it down. Back then I dressed cop, walked cop, and talked cop. Cowboy boots; fitted suit, usually navy with chalk pinstripes; thigh-length leather coat, three buttons, deep V-cut for an easy reach to the shoulder holster. I had three vests: one black, one tan, and one a dark red-brown marine cordovan that matched my boots. Black leather gloves whenever it was cold enough. And I rolled up in a burgundy Crown Vic that I would double-park down the block so they'd all see me walking up nice and slow, no secret what I was there for.

Sometimes the crew would run. That didn't help them. They would have been better off squaring up and throwing a couple. I'd like to think they did sometimes. I'd like to think a lot of things about the past. But the past doesn't give a shit about what we'd like.

So I answered my phone, and I went to work.

## Two

The job was for Eleanor Hausman. If you think the name sounds familiar it's probably because you've seen it on a construction crane. Or an office building, or one of those glass condo boxes on the far West Side. Hausman's not shy when it comes to self-promotion. She was a client of the law firm I used to work for. It's called Montrose Bryant, and you've probably heard of it too, usually in the same sentence as "white-shoe" or "high-powered" or "administration-in-exile."

I was working for one partner in particular. Jennifer Curtis. Yes, that Jennifer Curtis. She's not at the firm anymore either, as you know if you watch the news. But that's at the end of the story. The beginning of the story is back in the Fall of 2008, when I started working on the Hausman job. It was an "administration-in-exile" period for J.C., but after the election everyone knew she'd be going back to DC. The country had voted for Hope and Change, and the smart money said that Hope and Change meant Jennifer Curtis at the Justice Department. She'd been a rising star there back at the end of the nineties and had stayed on for the first term of the outgoing administration. Then she'd left at the beginning of the second term, like a lot of others, and gone back to private practice to do what people like her do at firms like Montrose Bryant. Some of that you read about in the papers. Some of it you don't. I guess that's why I'm telling this story now.

I had been working on another Hausman matter for a few months already. One of her development companies had gotten sued by another development company over some mall project that had fallen through. Bread-and-butter business litigation. That was the practice group J.C. was in, though the label was a matter of administrative convenience more than description. J.C. was a practice group unto herself. She had a team of lawyers that took up half a floor. And she had me. But I'm not a guy you advertise on your firm website.

Hausman was J.C.'s client, and Hausman wanted the lawsuit to go away. That was the sort of thing J.C. was good at. She was famous, of course, in the DC-New York law-and-politics world, anyway, but she wasn't just one of those big names just sitting on the masthead waiting for a change in administration. A lot of firms had those people. Montrose Bryant had some. J.C. wasn't like that. She was a real lawyer. After the election, everyone knew she'd be back in DC soon enough, but while she was at the firm, she was there to work.

J.C. attracted big clients like a stripper on a pole. You don't like the metaphor? I do: powerful men in suits threw money at her to watch her dance. You want a better one? She attracted big clients like an STD clinic at a Catholic college: you come in with a problem, she'll make it go away, and everyone will be very discreet about it.

J.C. attracted legal talent, too. She had a team of Bright Young Things who did not like my metaphors at all, thank you very much. "For several reasons," they would have said, emulating J.C.'s way of talking in roman-numeraled subparagraphs. "First, because they aren't metaphors, they're similes."

J.C.'s boys and girls were variations on a theme: editor-in-chief of the law review, Order of the Coif, clerkship with a federal judge, and all now desperately eager to sacrifice what was left of their twenties for the chance to describe the law in earnest capital letters. J.C. had the Bright Young Things for 2,000 billable hours a year, and they were grateful for every moment of it. If "J.C." was short for Jesus Christ—and to them, it might have been—they were the monks in the cathedral.

To the Bright Young Things, the law was "the Law." They could tell you that "the Law is no less Real for being a Human Construct"

and really sell it. The Bright Young Things loved the Law. They were there to learn Real Litigation, to handle Bet-the-Company Cases, to get Down in the Trenches. They were there at seven in the morning, and they were there at midnight, and they were damn happy about it. They lived for the days when they got to walk into court arrayed in a V around J.C. like a formation of black-suited geese or, if you like your similes more military, like a phalanx smashing through the Persian lines to send opposing counsel fleeing in terror on his chariot.

The Bright Young Things weren't into military imagery. They had no psychological need to imagine themselves as soldiers. Their only psychological weak spot was that they hadn't become doctors. But they were primed to rebut any insinuation that all the really smart kids had gone to medical school. They could explain that legal problems were just as real as medical problems and so were the solutions. They really meant it. And they were right: going to prison is plenty real. You take your average busy executive making a ton of money in a legally questionable manner. Does he see much difference between a diagnosis of "You're going to die in prison" versus "You're going to die of cancer"?

I'm not sure where I fit in that metaphor. If the Bright Young Things were the doctors, I was the guy mopping the blood off the operating room floor at the end of the shift. And maybe driving the bodies out to unmarked graves at the edge of town.

So I was on the Hausman lawsuit doing what I was there to do: looking for something that wasn't quite inside the boundaries of the Law, something you'd get to when you got Down in the Trenches and Really Litigated a Bet-the-Company Case, but that you wouldn't put in your brief. That was my specialty, I guess—most of the things I did as a cop were things you wouldn't put in your report.

The Hausman lawsuit was pretty straightforward. Hausman's company had partnered up with a Greenwich investment firm to buy up some decrepit shopping malls somewhere out in suburban America and redevelop them as luxury housing. The first project was a big success, so the Greenwich firm had put in \$10 million for the next one. But the next one didn't come through. There were some holdups with the local regulatory agencies, one of the other investors had pulled out, and the

project had stalled. The Greenwich firm wanted its money back, and Hausman told them to go pound sand. Business is about risk; sorry, pal.

So they did what companies do in Real Litigation, Down in the Trenches, and they sued Hausman's company. The Bright Young Things got most of the claims dismissed, because the contract—which they had drafted—was solidly on Hausman's side. But as any business litigator will tell you, if the contract's against you, sue for fraud. And their fraud claim made it through the Bright Young Things' legal gauntlet and on to the discovery phase. Discovery is where you get to investigate. It's where I come in. It's the domain of facts—the kind you put in your briefs, and the kind you don't.

The fraud claim was simple: they claimed that one of Hausman's guys, the head of the subsidiary doing the mall projects, had called the head of the Greenwich firm and told him not to worry about the contract because the \$10 million wasn't really an "investment," the way the contract had it, but was actually a "loan." It was a clever argument: you could get around the papers you signed by saying you'd been "fraudulently induced" into signing them.

The Bright Young Things had fought back. If you're alleging fraud, they argued, you have to be specific about the who, what, where, when, and how. And the judge agreed. So the Greenwich firm had to file a new complaint and go on record saying when the call came in. Then the Bright Young Things subpoenaed the firm's phone records and the boss's cell records. The boss fought like hell, but he was stuck, because he'd alleged a call in his complaint. "Put up or shut up," said the judge.

Records in hand, the Bright Young Things scheduled the Greenwich boss's deposition. They were split on whether he'd go through with it. Most of them thought we'd get a nice pre-depo settlement offer. Which we did. The Bright Young Things had a pool going on the size of the offer and when it would come in. It came in the day before the depo. I don't know who got head on the bet. I hoped someone did. They weren't getting it anywhere else.

But J.C. wasn't having it. I was in her office when she made the call to tell opposing counsel that she was looking forward to seeing him at the deposition. It was just after sunrise. That was her favorite time

of day, and if you were opposing counsel, you took the call. She had a white leather couch along the inside wall of her office, facing east out across Midtown. The couch was my favorite spot in the city early in the morning. It was long enough for four people to sit without invading each other's personal space, but I mostly had it to myself. The Bright Young Things were nervous about sitting in it, even if I wasn't there. J.C. liked them nervous.

"Anxiety's good for a lawyer, Marcus," she would say to me, if they were around. "If you're not wondering whether you fucked something up, then you probably did."

Opposing counsel sounded plenty nervous on the speaker. "But Jennifer," he said, "this is practically a walkaway."

"Practically a walkaway's not good enough, Jared. Your offer still contemplates money going from us to you, which I'm afraid we can't agree to."

"Well, look, we can discuss the figure. Fundamentally, this is a business dispute, right? And it should settle for a reasonable amount—"

"Ok, tell me what you're offering to pay."

"What *we're* offering to pay?"

"Yes."

"But we're not...I mean, my client is the plaintiff here.... We're certainly willing to entertain a lower counter. But we've come down significantly..."

"Jared, I'm sorry. You demanded \$20 million. Now you want us to give you one hundred thousand if we settle today and take the depo off calendar. Twenty million to one hundred thousand is a good try. I appreciate that. But my client has already incurred more than that in legal fees, and it's the day before your client's depo. I've personally cleared the entire day."

"You...personally?"

"Of course. You'll be there as well, I'm sure? It'll be so good to see you again."

She hung up and looked at me. "Stay close, Marcus. We'll see how it goes. If we need you, we'll bring you in after lunch."

So there I was up at Belvedere Castle, when my phone rang.

## Three

The deposition was in full swing when I walked into the conference room. It was on the floor below J.C.'s, on the southwest corner. You could see across the river all the way out past Newark to where New Jersey started to look green. J.C. was at the table with two of her Bright Young Things next to her. The Greenwich firm boss, Stanley Redmon, was across from her, with Jared Rosen next to him in chalk-striped Armani. The court reporter and videographer were at the head of the table.

J.C. liked videotaping her depositions. "It fosters a healthy anxiety in the deponent," she told the Bright Young Things. I appreciated the irony. When I used to interrogate suspects, it was the absence of video that made them sweat.

The room was quiet. I took a seat along the wall and eyeballed Rosen. I'd seen him on the Sunday news shows J.C. was always on. He was a big enough name for cable, but that was as far as he was going to get. His eyes flickered to mine, and he looked back down at his notepad. Redmon was reading from a stack of papers in front of him. After a few moments he looked up.

"Okay," he said.

"This is your Amended Complaint, isn't it?" said J.C.

"Objection," said Rosen, "calls for a legal conclusion."

"I'm not a lawyer," said Redmon, taking the cue.