Custody

Installment Eight
June 2024

Part Four

Thursday
October 1, 1992

371

Godfrey Mellon had to pay Angie Flynn a retainer for the whole month of October. He despised spending the money. But it was his fault. He was scrimping in September and had Miss Hayes write her contact for the balance of the month of September, rather than the standard thirty-day contract. His only solace was he had her in his employ so she could transport Rosalyn and Linda back and forth to the hearing; she would keep an eye on them, so Rosalyn didn't flee again; and perhaps most of all, so he wouldn't have another turncoat going over to Soro at the last minute with valuable information. For all his height and weight, Godfrey Mellon was a small man.

Rosalyn imposed on Flynn to take her daughter out into the back yard, but to keep her nice clothes for the hearing from getting dirty. Mrs. Lowry wanted some time to herself before leaving in ten minutes for Long Island. And she decided she might try on a different dress. One that matched the bigger purse she needed to carry the folded papers she wanted to have on hand.

There were no trains coming by, nor biding their time on the tracks below. They stood at the fence to avoid grass stains. The six-year-old asked the older woman, "I'm never going to see him again, am I?"

Angie was at more of a loss than Linda was. At least the little girl knew who she was talking about. And Flynn didn't want to start the day off with such a major miscue. She elected what she thought was a safe answer. "You know, Linda, never is a really long time."

"Yeah. I guess so." But Angie was not off the hook quite yet. Linda came back to it. "I bet for four years his daughters thought they would never see him again."

Flynn was relieved to be aware. She commiserated. "You never know, Linda, maybe he will come and visit you and even have you meet his daughters."

Linda laughed at her. "You just said 'never.'"

Flynn joined in on the laugh and said, "It's time to go to my car."

On the way, Linda hit her harder than Aello whacked Riley behind the doors off to their left. "Do you think I will ever get my dad back?"

She had no words, so all Flynn could do was place her arm around the girl's shoulders and keep stepping ahead. Linda leaned her head against Angie's hip and they walked silently together to the car.

372

Eleanor and Gabriella got an early start and showed up at the Long Island hospital at seven. They were Karidja's advance guard. As per Ms. Soro's arranged schedule, they were met by a representative of the hospital and by Itzel Cocom from Easton International Medical Supplies. Mrs. Cocom was on hand for the first of October's Grand Opening of the hospital's Neo-Natal Nursery—part of the newly renovated OB-GYN suite on the sixth floor.

Itzel took Gabriella and Eleanor to check the special room the hospital provided for the day, in response to Easton's impromptu underwriting of the Grand Opening luncheon. The large room previously housed the former neo-natal nursery. Quatrane and Costa were pleased the room had been cleaned and prepared as Soro requested the day before. They verified where bathrooms were that would be available to the participants, and usable by either the men or the ladies. They spec'd out the adjacent spaces that could serve as chambers or arbitration rooms, as required. They thanked Itzel and then went in to see to it that Myles was as ready as possible for the hearing. Their morning checklist to make certain Karidja would face no surprises to distract from the task at hand had many boxes already marked.

By eight-thirty they were satisfied as they were going to be. Each one had taken half the assignments, completed them, and then they switched and

re-did the list so they each separately could assure the team they were as ready as could be. Noticing that the medical people and nurses had been drifting away from Myles's bedside over the last fifteen minutes, they decided to approach and see how he was looking and doing.

Though they had reports from the afternoon before that Myles had come around and opened his eyes, standing there and looking into his opened eyes was earth-moving to them. His one eye tracked better than the other. They would let Karidja know that beforehand. They watched for signs of recognition. None caught their eye.

With the nurses and PAs finished and out of the room, next came the transport team. With his morning medical needs satisfied, they wheeled Myles's room bed down to the improvised hearing room and set him up there, long before the participants arrived for the proceedings. The ladies followed. After his bed and monitors were set in place, they went to work organizing the furnishings that had been brought in and left off to the side the night before.

After some time, a young fellow came in, dressed in hospital clothing, but not scrubs. His uniform was clean and neat. It had been ironed before he put it on, creases still apparent. He introduced himself as Myles's PT. He went bedside and began talking to Myles without waiting for verbal replies.

He picked up Myles 'good' left hand, while they continued what was either a monologue or a dialog, the ladies couldn't tell. But they were intently trying to find out.

Every finger and joint on his hand was massaged and flexed. His forearm was next and then his elbow was carefully supported and flexed. The PT gently set his arm down on the bed and walked around the foot to review Myles's chart. After he read it, he checked to see if Myles's more stroke-impacted right hand and arm and elbow would respond. Throughout, he spoke to Myles in a narrative explaining what he was doing and why. Mindful of johnnie-clad Myles's modesty with the women observing, the PT did similar work on his Lowry's feet and knee. Lastly, he calmed Myles's arms and legs with long strokes away from the heart and toward his extremities.

Straightening the sheets, he made sure Myles's hands and arms, and feet and legs were warm and not twisted up in the bed linens. He made a note

in the chart and then turned to address them. "You'll be present at the hearing?" he asked. Upon their affirmation, he told them, "I'm glad you are here and observing."

"I wondered if you were going to kick us out for the legs part," smiled Gaby.

He simply nodded and said, "I imagine it would have been nothing you haven't seen before, whether his or not. And he would not have known to be embarrassed. And, of course, you could have looked away."

So, I have a primer for you. If the legal professionals don't mind, thinking you're prompting answers or something like a magician's shill in the audience, or a gambler's card counter—at least one of you should keep in physical contact with Mr. Lowry. You saw how I was holding his hand, right?" They nodded. "He can hear. So, your holding his hand gives him a context that he is in the real present and not dreaming or hallucinating."

If it's organized so there are two speakers only, or two kinds of speakers—like a judge and some lawyers—they should switch off with one another for each 'voice type,' particularly if they expect an answer from him. You get the idea? It won't be crazed. Even if it's a back and forth, they are going to have to discipline themselves to go slower than normal so he can keep up."

They looked confused, so he tried a different way, "What would be ideal—and you'll have enough room to do it in this space—would be for you," he pointed to Quatrane, "to hold his weaker right hand, and for you," he pointed to Costa, "to hold his stronger left hand.

The women expressed some doubt by the way they were looking at him. "Oh, don't worry. I'll be coming back at the start to tell them how to run things so Mr. Lowry's able to be aware."

"How does he answer?" asked Quatrane.

"Binary signals! One for 'no' and two for 'yes.' You can use either a hand squeeze or eye blinks." He thought of something. "He may get tired, so don't be afraid to ask if he wants to change off from time to time, hand then eye, you get the picture, right?"

"You've been very helpful. Thank you," said Eleanor.

He told them, "I have to scoot. See some other patients. But I'll be back on time. Promise. In the meantime, don't get him tired out, but you each should 'practice' by having a little three-minute 'visit.' One at a time. Give him another five minutes to recoup from PT. And leave five minutes between your 'visits.'" And then he was off.

373

Because there were so many historical files to bring along and to be able to access readily, Godfrey Mellon was bringing Miss Hayes along for the proceedings. She had spent the one available day going over the files from two years before and from the last day in August of the current year. She was confident she could get whatever he needed quickly. She had a printed index and had penciled corresponding numbers on the front of the file folders she was toting in a small, square banker's box.

Mellon ordered a car service to pick him up at his house, pass by the office and wait for him to go upstairs, then he and Miss Hayes would descend and get a ride to the hospital. The driver would wait for the hearing to end and trace the journey back in reverse. He was always very specific to pick her up at the office, lest there be any fodder for water cooler talk that they arrived at the office together.

His talking points were straightforward and uncluttered with the flotsam and jetsam of the Lowrys' married years. He was certain nothing else mattered but four things: (1) Linda had been living with her mother now for two years and they got along well, (2) Rosalyn had proven she would go to extreme lengths to protect her daughter from harm, (3) Rosalyn was financially solvent and could provide for Linda, though child support would still be expected, and (4) unfortunately, it did not appear that Myles would be able to care for himself, let alone Linda, for quite some time, if ever.

Miss Hayes was mildly upset that he was completely ignoring many considerations she found from the records. There were items which had been essential to Judge McCarver previously, but were still outstanding and

unresolved. Mellon kept on insisting and telling her 'focus,' 'focus,' focus,' Miss Hayes.' She just hoped they wouldn't be regrettably mispronouncing that mantra when the day's hearing was all over. Her boss was adamant that the two choices the judge had were Linda's dad or Linda's mom. He would not pay heed to her caution that the state system was a third option for the judge to select as Linda's custodian.

374

Danny Hart was to be available as a character witness and eyewitness for Myles's arguments for revised custody. He knew Quatrane and Costa were going to the hospital sooner and had definite roles to play there. He offered moral support and transportation. Karidja took him up on it. He also had his friendly and secure phone line he could keep checking, through the morning, for word from Itzel Cocom. Attorney Soro could not count on Thomas Bruce for any support, other than to hold the door open for her on the way out that evening.

Danny did not initiate any discussions during the car ride. He knew from observation, and hours in the reading room outside the steno pool, that Attorney Soro preferred quiet before a hearing or on a trial day. But she did start a dialog about halfway there.

"Danny, will you please keep an eye out during this hearing? You have come to appreciate Mrs. Lowry's dysfunctions, including her broken confidence in her attorney. You have observed her up-close in challenging situations this past week. She has not seen Myles disabled. She may react differently than when she confronted him the week of Linda's birthday, at his office and at the apartment. What do you think is a highly surreptitious signal you can give me that she is out of character—favorably or not?" She was leaving the details up to him.

"Karidja . . . out of whose character?" he laughed. "There are so many!"

She laughed, "Good point, indeed. I can always count on you to keep me grounded. I chose my words poorly. A mistake I must avoid in a few hours, for sure."

He reacted suddenly, "That's it." She thought they were going to have a vehicle accident or something. Then she realized he was still talking about cooperating at the hearing. "Those were great words to choose. You said, 'count on me.'" He went on to explain, "We are going to think of four of Rosalyn's critical temperaments for me to send you and assign each a number, one through four. I'll support my head in my hand, leaning this way, if I have something to tell you. The number of fingers I have up, not including the jawline thumb, will tell you. We have some time to figure which they are going to be. How's that?" he asked.

"Splendid as always, Danny," she said. Moments later she told him, "You do know we all think you are a godsend, Mr. Hart."

He did not reply and left her to her thoughts.

When they got to the hospital, he dropped her at the front door and went to park his car. After he received his self-stick label visitor's badge at security, and before he went upstairs, he found the men's room and then the public phones. He checked his messages and knew Soro would be ecstatic at the message. He listened to it twice to make sure he understood it

Two things came to him on the elevator ride upstairs. One made him think about the next few hours and the vigilance he would have to keep. The other led him to feel gratitude that as an investigator he always strove to keep completely open to what was going on around him, being reminded on this case how doing so was helping Myles in the long run.

First, this morning's security check, and the on-again, off-again label they stuck on his shirt, reminded him that Valerie McKinley's security breach and the bailiff's identification of the lady with two color eyes helped them to find Linda at HAPPYDALE. When he got upstairs, he would warn Flynn, though they needed to keep their 'armed-camp' distance from one another, to keep a very close eye on Linda, whom she drew escort duty for today. This was nowhere near as secure a facility as the courthouse last month. It was not as movement-restricting as the bank earlier this week. And yet neither of those 'surveilled' venues kept Rosalyn Lowry from influencing a flight to freedom. The move to the Jersey apartment could have been an opportunistic gambit to be ready to flee once again, in the event of an unfavorable custody verdict.

Secondly, had Danny not persisted, however erroneously it turned out, on chasing the lead about a possible drug-related abduction theory of the case, he never would have befriended Itzel and Bembe Cocom. The phone message he heard just now from Itzel was the verification that Karidja Soro had been orchestrating for a week. At an extraordinary multinational telecom board of directors' meeting that morning, global time zone differences notwithstanding, Easton International had just granted Myles Lowry a very generous annual stipend from his retirement fund and ownership shares of the company. Karidja considered this concession to be crucial to Myles's chances at custody. Hart was anxious for the elevator to get him back upstairs so he could tell her the news. That would be the icing on the cake of the room Itzel provided by for the day's hearing.

375

Without the necessity of a bailiff, the court stenographer summoned the assembly. "Hear ye, hear ye. This court is now in session in the matter of Lowry v Lowry to determine the on-going custody of Linda Lowry. The Honorable Judge Eoin McCarver presiding. All rise."

With the exception of Myles Lowry, the assembly stood in the modestly re-fitted room, in deference to McCarver as he entered from the outside hallway. When he sat, they resumed their positions on folding chairs set in a half circle, except where adjacent to the medical monitors or equipment. Two opposing lounge couches faced the judge who sat at a small desk, which he shared with the stenographer. One couch held Mellon and Rosalyn and Hayes. The other was smaller for Karidja and whomever she rotated out to assist her, which started out to be Hart. Quatrane and Costa each had a folding chair by Myles's hands as directed.

The judge began and introduced the physical therapist who tutored Soro's colleagues. The judge explained his role and then he presented the process he had offered earlier. There were no procedural objections from either side, so things moved along quite nicely, just as McCarver preferred. He offered one procedural consideration to the lawyers.

"I would apprise counsel of the directives we just were given. There is no jury. The room is comfortable, but small. When you present, you are to

stand bedside so Mr. Lowry can hear you, as well as he is able. Mr. Mellon, for this morning session, you are to address his left side and Ms. Soro his right. Not to make an unsuitable comparison to a sporting event, for the afternoon you will change sides of the bed." He waited to make certain no one thought he was treating the matter as a joke.

"This will be normalizing for Mr. Lowry and not confusing. If a lateral physiology of any type begins to deteriorate in effectiveness, we will make adjustments. The court's assistants will shortly be sworn in. They will reflect any answers given by the one-or-two-beat signal by saying 'yes' or 'no' only, no editorializing. If this does not prove satisfactory, we will ask for an assessment from the PT expert. At any time in the mind of the court, that this proceeding can not approximate standard expectations, the bench will terminate the proceedings and adjudicate from there. May I ask counsel to affirm acceptance of this approach to the hearing?"

The Lowrys' lawyers granted their affirmations and the body of the hearing got underway. Eoin began.

"Opening petitions counsel?" Both said, "aye" and raised a hand. The judge therefore informed those present, "It is customary for the counsel of the current custodian to begin. Mr. Mellon. The floor is yours, sir."

"Thank you, Your Honor." Mellon stood with a bit of difficulty. He had not been foreseen it might be hard to get up and out of the hospital couch, which was lower than the standard hard seat of a captain's chair, with a table to lean on, in a typical courtroom.

Regrouping his dignity was offsetting. His disdain was off-putting. "It is unclear why this setting was desirable, I'm afraid to say."

It surprised him that McCarver stated, "So noted, for the record."

He started again, stabilizing himself before the couch, more to his planned script. He ignored the throat clearing interruption Miss Hayes was covering as a cough. "If it please Your Honor, Mrs. Lowry asks the court to maintain her court-appointed custody, and extend it to be absolute and complete, without visitation rights."

"Thank you, Attorney Mellon," said the judge. Mellon was surprised the process did not allow for him to elaborate at the time of this opening petition. He sat down carefully on the front edge of the couch.

"Attorney Soro?" said the judge.

Karidja elevated with no difficulty from her seat. She walked over to the right side of Myles's bed. She spoke to her client and not to the judge, in a clearly articulating voice, phrased for one idea at a time. "Thank you, Your Honor . . . Myles Lowry, my client . . . petitions this court . . . to review . . . his current suitability . . . to share equal . . . and uncontested . . . custody of Linda Lowry . . . with her mother . . . Rosalyn." She returned to her couch and sat. Danny Hart was bursting with pride to be associated with this woman.

"Thank you, Attorney Soro." said the judge. "Before we begin the presentations of counsel, which may lead to questions of the petitioners or to other accepted witnesses present or expected for the afternoon session, I will swear in the court assistants, as previously indicated."

"Mrs. Eleanor Quatrane, please stand." She did and was required to accept a bible from the stenographer and then wait for her to retake her position next to the judge. She realized she could set the bible on Myles's bed and then place her hand atop it. She did so with her left hand and raised her right. This set the standard for the morning, all others would follow her example.

The judge pronounced, reading from an index card he had prepared the day before in chambers, "Eleanor Quatrane, do you solemnly swear to tell this court honestly and truthfully to the best of your ability whether Myles Lowry has indicated 'yes' or 'no' to questions put to him in this court, without prejudice, interpretation, or elaboration; so help you God?"

"I do, Your Honor," she replied.

The moment caught her up and she almost ritualistically, processed to the other side of Myles's bed and ceremoniously placed the bible down on his bed in front of Costa. She returned to her place at Myles's side, without any indication of being embarrassed or self-conscious.

The judge repeated the same procedure, substituting only Gabriella Costa's name for Quatrane's. Costa provided continuity of dignity. When her swearing in was completed, she processed over and placed the bible on the desk in front of the stenographer and then re-adopted her stipulated position attending to Myles.

In the silence, Mellon sheepishly looked along the front of his couch. Next to him, Miss Hayes wore a look of disappointment. He saw that Rosalyn leaned over from the far end of the couch. Her head was almost directly above Hayes's lap, and taking the hint, Mellon leaned to turn his ear to hear her courtroom-hushed voice seethe from her treacherous smile, which was for others at a distance to consume. "That's what preparation looks like, you lazy sack of shit."

The judge's voice broke the dire spell she cast over Mellon and Hayes. "Attorney Mellon. Have you any questions about Mr. Lowry's petition, to direct to his attorney?"

This time he tried to redeem himself. He rose and walked to the left side of the bed. He still was too courtroom-conscious. He turned and faced the judge's desk, while he stood next to Lowry and Costa. His presence gave her the creeps, but she concentrated on Miles's hand and face. "Ms. Soro, surely you are not possibly suggesting that Linda Lowry spend, let's say for the sake of argument, a week with her mother and the alternating week with her father?"

He took a half step back when Karidja stood and adopted a position on the other side of the bed, next to Eleanor, as she held Lowry's hand. At first, Mellon unmistakably flinched, misinterpreting her movement from her couch as if it were toward him. He could not help but see Miss Hayes frown heavily and his client look down to hide her smirk.

"Mr. Mellon . . . you are absolutely correct . . . that is not at all . . . what my client . . . Mr. Lowry is suggesting . . . And . . . for the record . . . he is . . . not trying . . . to start . . . an argument."

Without relocating or paying any attention to the client in question, Mellon replied, "Then what—"

And before Mellon could complete his idea, Gabriella Costa, addressed the court in an excited voice. "Myles said 'no,' Your Honor."

Everyone froze.

Judge McCarver asked her. "While I am not contradicting the instructions you are to follow, or your role here today, Ms. Costa, I must ask you . . . are you able to determine from . . . let me say the 'timing' of Mr. Lowry's response . . . to what he was indicating a negative assertion?"

"Objection, Your Honor," called out Mellon. "She can't know that. It's impossible."

Judge McCarver wore an amused look. "Please approach . . . in customary court room parlance and action, please." As the attorneys realized they were to move from bedside to desk front, Eoin reached his hand over the stenographer's shorthand keyboard. "Don't get up. But do not record this sidebar conversation, thank you."

Showing her years of experience, as the attorneys approached, the court recorder sat side saddle on her chair, facing away from the judge with her hands folded together, fingers entwined and resting in her lap, nowhere near her keyboard.

Judge McCarver spoke in low tones. "Attorney Mellon. Am I to understand that you just objected to the judge in this designated courtroom? You know it is customary to register objections *with* the Judge, but over something opposing counsel has said, done, or presented. I will extend you the courtesy of latitude due to the, obviously"—here clearly referring to Mellon's slow start at acclimating to the particular protocols for this uncharacteristic setting—"odd circumstances we all find ourselves within, by, may I remind you, unanimous and, in your case, quite willing, consent and compliance."

Smarting from this judicial scolding, Mellon addressed the bench, "I apologize Your Honor. Thank you, Your Honor."

Karidja said nothing and nothing was said to her.

The judge ordered, "Please step back." And realizing this might not be specific enough, he added, "And resume your positions next to the petitioning father."

McCarver spoke the court reporters name quietly. When she was repositioned and ready, he said, "Resuming where we left off then . . . I ask you to consider, Ms. Costa, whether you can be certain as to what Mr. Lowry was raising a negative assertion?"

"Not for certain, Your Honor. But if I may . . ."

The jurist said, "Go on, I'll stop you, if need be, to remain within our parameters. And if so, you need not be concerned . . . in this instance specifically . . . with any charges of perjury."

That set each of Myles's hand holders back some. But they each now realized that breaking their oath would be considered a lie, and therefore be categorized as perjury—which is nothing more complicated than lying under oath. 'So much for being helpful,' thought Gaby.

"Earlier today, Your Honor," Gaby began, "the physical therapist who explained everything to the court taught us how to keep Mr. Lowry at ease and present to the proceedings and how to understand his communications by sight and touch. He told us to practice for a few moments, not to tire Myles, I mean, Mr. Lowry, out . . . but to know what to do and to make sense out of it."

The judge revolved his hand to suggest she should speed it up, as he said her name with purpose, "Ms. Costa."

"Yes, Your Honor. Sorry Your Honor. The point is—in that practice, sometimes it took longer to see an eye blink or feel a hand squeeze."

"Mrs. Quatrane?" asked the judge. "Was this your experience as well, that is, during your 'practice' rounds?"

"It was Your Honor. The more complicated or multipart the questions, the longer it took to get a response," she stated.

"Can you explain or elaborate?" he asked.

"Yes. I looked at Myles and his eyes were closed. I asked him if he was awake. He squeezed my hand, twice, almost right away. Then I said I was Eleanor; did he remember me. It took longer. He squeezed my hand once. I then told him that was okay and that I was here to help him and was that okay? When he didn't answer, I was disappointed, I thought I'd lost him. But then, I realized I overloaded him. I asked too many questions at once—a multipart question. So, I broke it down, one at a time. First, I said it was okay. He squeezed twice, more slowly than when he told me that he was awake. I wondered if it was because it wasn't a question, just an assurance. But he still tried to communicate. I made the next part a question, asking if it was okay for me to help him. It took the longest yet, but he did squeeze twice. I asked if he was tired. He squeezed once right away."

"Thank you, Mrs. Quatrane, that was very instructive, and helpful." Then McCarver asked Gabriella, "Given that it might have been a time delay, I am going to ask you to close your eyes and put yourself back to the moment Mr. Lowry squeezed your hand once for 'no.' I am going to have the court reporter read the immediately prior portion of the transcript. Listen with your eyes closed and while you concentrate. We'll learn together if the delay precedes another question being asked. That might help us understand."

"Okay, you both know what I am asking you to do?" They answered they did almost in unison. "Please start reading the transcript."

The experiment clearly showed it was Karidja talking to Mellon that Lowry said 'no' to. The transcript reflected she had said: "Mr. Mellon . . . you are absolutely correct . . . that is not at all . . . what my client . . . Mr. Lowry is suggesting." But unfortunately, the solution was still not clear. Double negatives confused the issue.

The judge said, "I will entertain a solution. Anyone?"

It surprised no one that it was Karidja who suggested, "I could do what Eleanor showed us. I can rephrase what I said as a question after asking Mr. Lowry if he agrees with it. If he says 'no' or 'yes' we will know. It will be a true or false question, not multiple choice."

McCarver saved Godfrey any further embarrassment. He really wanted to move things along. "Attorney Mellon? Any objections?"

"No, Your Honor," he was relieved to be able to say.

"Attorney Soro, you have the floor, please move along." He did not rush her, but he had made his desire known.

Karidja came over to Myles, but switched sides. She placed her hand first on his right shoulder, and then she gently pressed it against the uninjured side of his face, from temple to chin. She made sure Gaby's hand was holding his and she was watching his face. The attorney said slowly. "Myles, may I ask you a question?"

Because he squeezed her hand twice, Costa quietly spoke the word, "Yes," without her previous burst of excitement.

Karidja asked her question. "Do you want to share Linda's custody equally with Rosalyn?"

Again, there were two squeezes. But they did not come as quickly. Costa said softly again. "Yes."

There was some stirring in the room as people shifted in their seats. Some out of nervous tension, others to try to see Myles better.

Karidja asked one more question. "Do you want Linda with you one week and with Rosalyn the next?"

It took a while to come, but everyone saw Gabriella Costa jump in her chair from the strength of the one squeeze. She waited to make sure that was all Myles was going to 'say.' She turned to the judge and said, "That was a hard 'no' Your Honor."

The judge was stern. "Please remember Ms. Costa—and you too as we go along Mrs. Quatrane—a simple 'no' will suffice."

He did not wait for them to acknowledge his reminder.

The judge spoke to the entire assembly. "We have been enjoying each other's company for forty minutes now. The court realizes that Mr. Lowry has rights to participate in this proceeding and hearing. But so, too, does Mrs. Lowry have rights. While this is fascinating to say the least, the time it is taking is not sustainable. We have this space for just one day. And we will

surely wear out the hospitalized petitioner if we continue to subject him at this intensity. I am going to instruct counsel to proceed without the need for this questioning and verification, except for absolutely and irreplaceably crucial matters. Let us proceed accordingly."

McCarver added, "Attorneys may stand where they choose."

He looked directly at Eleanor and Gaby and told them, "I still want to be notified if Mr. Lowry seeks to be heard by hand or eye indications, so please remain vigilant in that duty, and let me know so I can decide when and how to include his input."

"Attorney Soro, will it be acceptable to you, if at significant breaks in our proceeding, I would suggest perhaps after our lunch break and Mr. Lowry's quiet time with the medical people, you are permitted to summarize as you just did and get affirmations or negations from your client to, let's say, up to six key questions?"

"Karidja answered, "That seems very fair and acceptable to my client, Your Honor. He thanks you for your consideration."

"Attorney Mellon, is this acceptable to your client?"

Before he could even look to her for input or answer on her behalf, Rosalyn Lowry spoke up, "Yes, it is, Your Honor."

McCarver paused and looked down at the desk. He held his gavel, not heard yet that morning, since the stand-in bailiff hammered her 'hear ye's. The room became very silent. Rosalyn fixed him in her gaze. He spoke still looking at the desk. "Mrs. Lowry, it is easy to forget, as your representation has done, that this still is a court of law. May I ask your indulgence please to participate through your attorney only?"

She did not fall into the snare by answering directly. She looked at Mellon, and bowed her head slightly, and turned an extended hand, palm up, toward him and then swept it just slightly toward the judge. Mellon offered, as Karidja had been saying, "My client says 'certainly,' Your Honor." He dared not incur her wrath by suggesting to the judge that there was an apology in there anywhere.

The judge straightened up, looked only at Mellon, and said, "Please proceed." Danny Hart wondered how many other people present wanted to go over and smack Mrs. Lowry upside her head. Because he sure did.

Mellon picked up his argument. "Your Honor, my client is financially secure and able to support her daughter in their apartment together."

He offered nothing else. Karidja entered for the judge's consideration the following point: "Your Honor, at this time is it not at the court's direction that Attorney Mellon is paying the rent on that apartment and all maintenance and service fees, using Mr. Lowry's escrowed funds sent by my firm to assure timely payment, to avoid eviction and assure safe lodging."

The judge concurred that order was still in effect.

Mellon asked the court, almost having made the mistake of blaring his question right at Soro. "Of what importance is such a question, Your Honor?"

By a hand gesture in her direction, McCarver allowed Soro to answer the inquiry directly. She did not, however; choosing instead to address the bench. "Your Honor, my client's understanding of that August 31st order, reflected in the funded amount of his escrow account with our firm, is that it expires with the payment of this coming December's rent and covers only the other fees effected until New Year's Eve, and does not cover any advance payments for 1993 charges due." She waited only a moment. "And, Your Honor, he further understands that a new custody agreement made, and in force as of today, voids that order, entitling him to a refund of October's rent and any advance fees to cover the last quarter of this year. As such, my client wonders if those facts have been calculated into Attorney Mellon's assertion that Mrs. Lowry can support her daughter in that apartment after today, or in the New Year?"

The judge replied simply saying, "Mr. Mellon?"

While all eyes were on him, Danny saw that Eleanor began moving her foot up and down for him to see without it tapping on the floor. He looked at her to see if she was okay. She slowly moved her head side to side to say 'no' and began to make a fist and release it repeatedly with her free hand.

So, to what Hart wondered was Myles say 'no?' It could only be that he thought Rosalyn could not support the apartment. Of course, he did not know about the finder's fee. But did that confirm that he also did not know about the AP between his wife and Aello? And then he saw that Karidja had also seen Quatrane, and she was thinking the same things he was.

"Your Honor?" Mellon's voice broke into Danny's concentration. "I understand there is an adjacent consultation room?"

McCarver said that was correct. "In that case, Your Honor, may it please the court to grant a ten-minute recess to confer?"

"That will be fine, if Ms. Soro has no objections." She did not. The judge now tapped his gavel, glancing meaningfully at Mrs. Lowry. She understood. "We will take a ten-minute recess. Our bedside assistants could use the break and get a stretch in, I'm sure." Quatrane froze. Had he seen? "There are rest rooms on the third floor by the cafeteria, which has coffee and the like. Just follow the signs. But be back in ten." People began to move. "Mrs. Quatrane? May I see you please a moment?" She was terrified. "May I impose on you to show Attorney Mellon that consultation room, please?" With that, they were adjourned.

376

"This could be going much better, Godfrey," said Miss Hayes. He glared at her. What she really wanted to say was that it was not going well at all, from where she was sitting. But she knew his answer would be for her to go sit somewhere else. She set the banker box on the consultation room desk and took out the August 31 apartment rental agreement. She gave it to Mellon before he asked, which he would not have done civilly, and she didn't want to hear it. They only had a few minutes alone before Rosalyn would come in from using the ladies' room.

But Rosalyn was delayed some, as it turned out. Angie Flynn and Linda were outside the bathroom, looking at the cafeteria menu posted in a shadow box on the hall wall. "What have you to been up to? I hope you're behaving for Miss Flynn, Linda."

Linda reeled off the morning's activities. "We went for a walk. They have great flower beds, but some are starting to fade. And you'll never guess. There's a park down the street. It has a slide and a spinner that goes round and round and makes you dizzy, a monkey bars in a dome shape, and a see saw and swings that go way high."

"You better be careful, young lady," said her mom.

"It's over mom. Don't you know? It's Thursday. It's October. You know, Tricks and Treats at the other end."

Rosalyn could only think of the custody hearing and was mixing up her daughter's meaning. Her words were eerie; were they prophetic? "What are you saying, Linda? Tell me?" Flynn thought Rosalyn looked—the only word that came to her was—otherworldly. She wanted to move Linda and herself away from Rosalyn.

"The nurse's paper from the other hospital, mom. That's what I mean. I can play out again. I can run. I can jump. I'm free. The heat is off me. That's' what I mean. What did you think?" she asked innocently.

"I have to go back up to see the judge, Linda. Thank you, Miss Flynn. I hope to see you at lunch." She headed into the elevator before the door closed. It was the court reporter who held it open for her. She had witnessed from inside the carriage what Angie and Linda saw in the hallway. She didn't know if she should tell the judge. In case she was having a medical emergency or something. She decided to wait and see.

And with that, who should come walking out of the cafeteria, but Eoin McCarver himself. "Hello ladies," he said. Flynn didn't recognize him right away without his robes. But Linda told her later she 'sorta did.'

At that particular moment, the girl looked at the judge, whom she had only seen in a similar suit and tie two years before. "I know you," she said. "We had lunch."

He extended his hand to Flynn. "Judge Eoin McCarver, ma'am."
He smiled, "No need for alarm, I promise."

"Angie Flynn, New Jersey, working for Mellon and company." She introduced herself. "Keeping my private eyes, so to speak, on Linda today while her parents are busy."

He stooped down to look at Linda eye-to-eye, as he had done with a deeper stoop two year earlier. "What would you say, that, if I'm still here at lunchtime, you and Miss Flynn here have lunch with me—right in that corner circle booth I just reserved?" He pointed to the table.

"Oh, can we? Please. Miss Flynn?" she asked earnestly.

"Let's say we will keep an eye out for the judge and see if we are ready to eat at the same time?" Angie said, as she and the judge nodded a tentative agreement. He mouthed 'twelve' and headed for the stairwell. He was still in good shape for his age. Several flights of stairs each day were a part of that.

While he was climbing from tread to tread, tempers were also rising in the consultation room. Lowry insisted Mellon not bring up the finder's fee as a means to support the apartment. He refused to understand why. It was a good chunk of change—she could bank it, and use the interest for direct deposits to the landlord. He even resisted Miss Hayes pleading, "Sir, it's simply not a good idea. There must be another way to go about this."

"Look, she's my client," he told Hayes. "I'm the lawyer. You should step back and just be ready to find files I need as we go along."

Rosalyn was astonished when she heard him speaking to her that way. She saw him as, yet again, another dumb man, too mentally deficient to know when he needed a woman to get him straight, somewhere other than in his shorts. Lowry took a last-minute stab as the clock showed they had used eight already of the recess. "Look, Miss Hayes, let me ask you this, please. If Attorney Mellon insists and I complain to the judge and ask for him to be removed as my counsel, will you stay and keep working those files, if I present my own case to the court?"

"You, lady, are out of your mind," cried Godfrey. "If you do that, I'm taking that box with me. And I hope Miss Hayes has the common sense to depart when I do. Or she will be given the courtesy of resigning before nightfall, or her dismissal will occur tomorrow first thing in the morning. Let's go, this is the wrong judge to keep waiting."

377

Before she sat down and the guardians were at his bedside, Rosalyn went over to Myles and leaned up close to what she guessed was his good ear. She said, "I know you are aware of who this is talking to you, Myles. Remember as I always told you: Don't let them see you sweat."

She strode away knowing he could not see her. She was ready to do battle again. Her moment in the cafeteria hallway was past.

When the ladies sat next to Myles and went to hold his hands, they were shocked. They looked across his prone body at each other to be sure they were seeing what they thought they were seeing. Each of his hands was curled in a fist, and resting upside down on the bedsheet. Except for one thing. On each hand his middle finger was extended.

As if that were not enough, when they were looking at each other, Eleanor put her free hand up in front of her eyes and moved it up and down, once, just a little, from her forehead to the end of her nose. Myles's eyes were open.

He blinked them repeatedly, not just once or twice. And then, without moving his head, he slowly turned the one eye that he was able to move and directed it at the sounds from the lawyer's couch with two empty seats that Mellon and Hayes had yet to fill from their return from recess.

378

"Your Honor, my client would like to table the last question, until later in the hearing, if it appears to be relevant at that time." Godfrey Mellon was inexplicably without an explanation other than that her bank statements for the end of the month were not yet available.

"Attorney Soro? Your response?" invited the judge.

"My client will stipulate that he will wait for the bank statement, Your Honor." Her reply surprised the judge and a few others in the hearing room. Rosalyn wondered what Soro had up her sleeve.

Like watching a tennis match, the Judge again intoned, "Attorney Mellon?"

"Thank you, Your Honor. My client would like to remind the court that it has witnessed she has been willing to go to great lengths to protect her daughter from harm. And she will continue to do so when she has total and unimpeded custody."

When McCarver heard the discussion of Mrs. Lowry's solvency and financial well-being, he wondered if the lawyer and his client had reviewed and agreed on the line of his presentation. He thought her being away at that school might have exacerbated their ability to do so. But her double take and blank look, which she was not fast enough to hide from him, when Mellon trumpeted her 'great lengths' of bravery proved their disconnect. If this had been a criminal proceeding, Judge McCarver might be, just about now, beginning to consider a mistrial—due to inadequate representation that Linda Lowry was going to suffer from.

"Attorney Soro?" he announced.

"Thank you, Your Honor. My client is in need of an explanation, please. As he lies here across the room, he wants to be apprised of what danger this court presented to his daughter that Attorney Mellon now wants the bench to laud and reward his former wife for."

As the court recorder keyboarded this last rejoinder and challenge from the stroked man's lawyer, she thought of her granddad. He was a district judge and the instigator of her interest in the judicial system. He used to read her the Sunday comics, what her family called the funnies, and her best friend's family called the jokes. One Sunday her grandfather couldn't stop laughing long enough to explain a *Peanuts* strip. Charles Schultz had one of his never-to-become-an-adult little children opine about a famous political figure, "How do you play chess with a checkers mentality?" He told her one day she'd be old enough for him to explain. He never got a chance to do it before he passed away some years ago. As she entered the last keystroke of

Myles Lowry's proxy inquiry about the opposing counsel, Mellon, she whispered to her grandfather's memory, "Oh. Now I get it."

"Sir?" the judge said to address Mellon. He used a hand gesture to request Mellon to step forward. As such, the record would not show he asked counsel to approach, and the opposing lawyer was not part of their private conversation. Eoin said, "Godfrey, please tread very lightly. Be extra careful. Your client would just as soon shove you over a cliff than pass you a rope. And, if she did pass you one, it would only be to convince you of the merits of suicide by hanging, so you could not accuse her of the push, if you made it back to the top." An unexaggerated hand motion requested Mellon to step back. Judge McCarver was very happy there was no bench microphone on this makeshift arrangement, or he would not have been able to issue the warning he hoped would ultimately protect the integrity of his court.

Mellon began. "Your Honor, only one of the two threats my client received on the life of her daughter has been adjudicated and the would-be assailant is in jail for a very grievous assault on one of Mrs. Lowry's neighbors. I assure the court, that if a six-year-old girl were the victim of that vicious attack, we would be at her funeral today and not a parental dispute over who can take better care of her."

Mellon stepped back and sat down.

Karidja Soro remained seated, but rested her elbow on her upper thigh, raised her forearm, and elevated her pointer finger vertically. The judge recognized her desire to address the court without a vocal outburst to gain attention. In a summoning voice, he spoke to her by name, "Ms. Soro."

"Again, my client thanks you, Your Honor. Because Mr. Lowry was himself assaulted, for reasons not pertinent to this hearing—yet, he is unable to know or remember the referenced assailant's motive for her brutal victimization of an innocent hero from his daughter's building. Mr. Lowry would like to have Attorney Mellon inform the court of how that motive, which resulted in an attack on September 27th of this year, accounted for Mrs. Lowry removing her daughter and herself from this court's authority and protection on August 30th of this year—nearly a month beforehand. The motion just advanced for determining exclusive future custody predicates an assessment that the courtroom itself was a place of danger. My client would like that assertion clarified, in the event that it is Mr. Mellon's suggestion she

is again in harm's way today, and should be taken from the property by her escort henceforth while the hearing continues."

"Mr. Mellon, do you care to elaborate for the court, as Attorney Soro has requested?" inquired McCarver.

"Your Honor, may I respectfully suggest that it would be more prudent for me to detail that information to you and Ms. Soro in a closed session for security reasons and so as not to interfere with an on-going investigation and probable subsequent criminal proceedings?"

The judge posited. "I will take that under advisement. I will consider it over the approaching lunch hour, and we can return to it afterwards, if there are no objections, Ms. Soro." She had none.

"Attorney Mellon. In the interest of time, and so your colleague can begin her presentation right after lunch, for the court's review of Mr. Lowry's claims of his suitability for what is characterized as an 'equal and shared custody,' I would like you to present your fourth consideration for the court, based on your filings preparing the bench for today. Are you prepared to do so at this time, please?"

"Yes, Your Honor. It is obvious to the child's mother that her father is not at the current time, the foreseeable future, or maybe even ever, to be able to provide custodial care for an active and typical six-year-old girl.
Based on a reciprocating evaluation of the 'set aside' question of habitable and financially sound living quarters, as well, it would seem the court's only logical course of action would be to grant full and exclusive custody of Linda Lowry to her mother, Rosalyn." He took his seat, much more pleased with himself and his client's prospects now than with some of his other stipulations.

"Attorney Soro? A response?" McCarver asked.

"Yes, Your Honor. My client's sensitivities are greatly offended by Mrs. Lowry's allowance and acceptance of her counsel's characterizations of his current state of physical stress and emotional suffering. He would like to remind opposing counsel and Mrs. Lowry that such callous disregard for a child's father does not create a compensating or corresponding wellspring of goodwill for her mother. Linda has learned from her mother that playground bullies who outweigh their prey can often sit on a teeter totter just so long,

suspending the weak and the pathetic skyward indeterminately. Additionally, this afternoon we would like to pursue their knowledge of, or information about, the motives and participants in the motor vehicular bludgeoning that has confined him for the time being as you see him before us this morning."

She did not stop there, either. She eased up to her counterbalancing new surprise for the bench, and the rest of the courtroom. "My client would also like to submit information for the court's consideration on the question of Mr. Lowry's fiscal solvency and habitat provision going forward from today. I present to the court a facsimile transmission from Mr. Lowry's employer, Easton International Medical Supplies. Please note, Your Honor, that I did not say former employer. You will see, in the transmission, an affirmation that as of this morning, May 1, 1992, Mr. Lowry has been granted a very generous annual stipend from his retirement fund and ownership shares of the company, which are left intact and continue to amass wealth. As well, he has been awarded a lifelong major medical health plan for extensive coverage, including catastrophic injury and hospice care, for him, his spouse, and his dependents.

Karidja knew the noon chimes would soon sound around the hospital. She did not sit down. She crossed over what a courthouse would define as 'the well' and took up a standing position by Myles. She rested her left arm upon his shoulders and placed her right hand atop his hand that rested on Eleanor's.

Judge McCarver asked if Mellon had a rejoinder for the record before the noon recess. He said he did not, assigning the hour as the culprit. Mellon would happily address all these issues in the afternoon session of the hearing, he assured the jurist.

"Then we are adjourned for lunch. One hour, please, people," the judge intoned in a manner akin to a town crier.

379

Despite her desire to meditate and free her mind during the lunch break, Karidja was approached as soon as she left the makeshift hearing

room. One of the floor nurses told her there was an urgent phone call at the desk for her.

"Hello, This is Karidja." She spoke plainly, without expectation or distress.

A breathless and quieted voice on the other end asked, "Attorney Soro. I don't know if you remember me, but this is Sally Norris."

"Yes, of course I do. From the Advanced Directives section of our law firm. We met in Mr. Bruce's office. What can I do for you?"

"It's the other way around. I'm hoping I can do something for you, since you helped me in front of that frightful man, Bruce." She made no bones about her intimidation, which had blossomed into a motivation.

"Okay, then. Please proceed, Miss Norris," said the lawyer.

"It's just Sally. Okay?" She did not wait for an answer. "So, I just received something that might be very important to you. At your hearing, in fact."

"And that would be?" Karidja asked, intrigued.

"Well today's the first day after the close of a calendar quarter. Because Attorney Hegerman passed away in the last quarter, a confidential email was delivered to the Advanced Directives mailbox. It is intended for our office, in light of his passing. I am to do whatever is appropriate with the email. That's what it says."

"Yes?" prodded Karidja.

"It has an attachment that is a quarterly year-to-date summary of a Trust Account, Miss Soro. I would like to read you some information from it, if I may please. Then you'll understand, I'm certain."

"Okay, please go ahead," said Karidja, downplaying her own anticipation.

"Okay, It says: 'This quarterly, year-to-date summary of Trust Account'—and it gives the account number and the place where the funds are kept on account, Attorney Soro— 'is forwarded to the Advanced Directives Department for the deceased, Ned Hegerman. As attorney for the trust, Mr. Hegerman's advanced directives and last will and testament should convey this report accordingly.'"

Norris caught her breath. "But here's the thing you were looking for in the archives with Mrs. Quatrane—the enclosed pages of the attached financial report indicate the Trust's inception date and first Trustee, Mrs. Hegerman. And it says, and I quote, 'This Trust is to benefit Marie Aello and her assigns.'" There was complete silence on the other end of the line. "Oh shit, don't tell me I lost the connection—"

"No. no. I'm still here," stated Karidja.

"Well, Attorney Soro, doesn't this mean, then, that Mrs. Lowry is now assigned the Trust because of that paper Ms. Aello's in jail for trying to steal and beating that man half to death?" asked the Advanced Directives expert.

"Yes, Sally. That's exactly what it does," answered Karidja.

"And then," said Sally, "according to the urgency that Mrs. Quatrane expressed to me some weeks back, doesn't this mean the money is for that little girl's education now?"

"Precisely, Sally Norris," intoned Soro. "I am indebted to you for realizing this and calling me in such a timely manner."

"Yeah, well, it's the least I can do. I liked Ned Hegerman. He was always nice to me. Not like Thomas Bruce," she said.

And then the young woman told Karidja, "So, here's what I am going to do, without asking you; so you have no part in it. I have printed this email, and the attachment, and I am misfiling them in the department vault, so they don't leave the building. I have forwarded the email to my home device and personal email address as proof they are legitimate. And I am 'unsubscribing' to the email sender and then deleting the email. The other items are sufficient for you to use, later on, to reconnect to the Trust Fund Manager. Is there anything else I can do now? I know you're in a hurry on lunch recess, according to the floor nurse." She waited for a reply.

"As I told you on another occasion, Sally. Go to a different cafeteria than where you usually eat lunch. Get yourself a nice hot cup of tea. Treat yourself to one of those scones you said you like. And then, all composed and peaceful, return to work for the rest of the day. I will see you tomorrow, God willing."

Karidja signed off by placing the phone set back on its cradle.

Now she had even more to clear from her mind and less time in which to meditate. But she was confident it would be enough.

380

It was telling that Rosalyn needed more time to dicker with her attorney and his assistant over lunch than to look to see if her daughter wanted to eat together. If asked, she would say, "Certainly, I feel it is ludicrous for anyone to make something wrong about my choice. What was more essential in that crucial time span," she would contend, "one lunch or a lifetime together with Linda until her eighteen birthday?" The three of them ate outside the hospital to avoid confrontations with others, or to prevent their arguments from being witnessed by any hearing participants.

It was viewed as fortunate by Hayes and regrettable by Mellon that the soda fountain at the five-and-dime did not have a license to dispense alcoholic beverages. "DeCaf coffee black with apple pie, large Coke with a medium burger and fries, and a small, iced tea and tuna melt," was the order Hayes placed immediately upon sitting, requesting fast service due to "a hospital emergency patient session requiring us to be back by 12:50."

Fidgeting with her cutlery without unscabbarding it from her napkin, Rosalyn insisted he "keep his mouth shut" about the finder's fee payout. She had "no desire for the court to give it away in part to Myles for his medical bills, nor to have it diminish his having to pay alimony and child support." She dared not suggest she anticipated legal trouble if the word got out about it in certain circles.

Mellon sucked his Coke through a taller than necessary straw and then demanded to know "what was in the basement that Aello coveted enough to risk multiple visits and to provoke a final murder spree?"

Hayes tried to keep the peace and not push the tuna off her plate when she tried to cut her melt in quarters. "Godfrey," the name she used when she was totally exasperated by him, "what difference does it make? It's not about the custody. Mrs. Lowry has told us that already."

Before he could talk around his burger and bun, Rosalyn emphasized, "Twice. I told you twice."

A Coke washdown let Mellon exclaim, "I still don't believe you about that."

Pushing the fork-destroyed pie-no-longer-on-a-plate directly onto the table, Lowry said, "Just that? Or what else don't you believe, Mr. Attorney"

Hayes saw waving a white flag was hopeless for her to accomplish, so she waved her napkin instead and downed her tuna in the twelve minutes they had left.

Mellon pointed a French fry at his client's face. She leaned in and bit half of it right out of his grip. He told her, "Bite me, lady. Listen. Flynn told me that it was your—"

"What? You silly man. Flynn's a Hart-sick spy, you ass! She's tit-for-tat for your undercover wonder Charlie Spada. Grow up for God's sake." Rosalyn was having a good old time at his expense. Too bad the lunch bill was going to be so small, she thought.

Mellon gagged. He blamed the "vinegar on the pickle, dammit." But he wasn't fooling either of these two ladies who knew him inside and out.

Miss Hayes finished her tea with a noisy straw inhale on purpose to make them both be quiet. "Good. And I'm not saying 'excuse me.'" She had them now, she knew, but not for how long, so she charged ahead. "Just please tell me this, please, Mrs. Lowry. Does Attorney Soro know about what was in that envelope and can she hurt your chances at custody this afternoon because of it?"

"I think she does. Miss Hayes. And if she does, then 'yes' she can hurt my chances, maybe even significantly." Mellon was about to cut in. She parried with her knife, and he stopped. "And you can't be told . . . so you can't be forced to reveal the answer. It's as plain as that. And it's done." She exhaled. "Now in the two minutes we have left here, do either of you have a plan for in there? Or am I on my own? Again! Just like always!"

When they had nothing to say and Mellon reached for the check the pink and white skirted waitress left, since they said they were in a hurry and because she didn't want to go anywhere near the table until they were gone, Lowry stood and said, "Thanks. It's good to know where we stand then."

381

Her daughter's lunch in the hospital cafeteria corner booth went much better. Linda told the judge, "My friend, Red, says: 'you just can't miss with cold milk and peanut butter and grape jelly.' In fact, she has a shirt with just the letters PBJ on it. We're learning our letters and knowing how to read, you know. It was a great shirt until she got blood all over the front of it and her mother couldn't get the stains out in the wash."

Eoin asked, "Was Red at your new school?" She nodded 'yes' so vigorously that her milk mustache appeared and disappeared twice. How McCarver wished her dad could answer his questions that way. "How did she get her blood on her shirt?" Sometimes a rather innocent inquiry, even in the courtroom, revealed an explosive answer, or two or three even, if you were lucky.

"Oh, it wasn't hers. It was that bully Deirdre's nose that gushed when Red punched her with her right hook," she said, mimicking the blow.

"Why did she do that?" he countered.

"Because the straight left she hit her with in her middle made her drop her hands and bend over so Red could finally reach her face. Judge, she only comes up to here on Deirdre when they both stand their tallest." He was relieved the six-year-old used her hand flat and sideways to demonstrate

how tall Red was, and didn't say the name of Deirdre's not-yet-budding body parts to explain.

"I wonder if you were in that fight, Linda?" he said to her.

"No. I was out in the woods, lost at first, and then hiding in my caboose, and then locked in, where I fell asleep and got hot and stroked. That's why I was in the hospital." she explained, she thought completely. But maybe not. Because the judge had more questions.

"Did an adult find you and get you free?" he went right for the worst; in case this was the second threat Mellon yammered about before lunch recess.

"Yes, my friend, Dominic. He's so nice. He has two little girls somewhere else, too." She was finishing her sandwich, wiping up the spilled jelly with the crust. Looking at her plate, she didn't see the judge's face.

"Does your mother know this man, Dominic, Linda?" He was hoping to keep his hospital mystery soup and saltines in his stomach.

"Sure. She calls him my 'gentleman caller.' He came one day on the train, and he and I had a party in the bushes while mom was asleep in the apartment."

Angie was coming to the table. She had ordered her salad to be served in a plain brown travel cardboard box, planning to have it for dinner. She had left the two of them alone, as she figured the judge wanted.

"Miss Flynn. We have been having a nice little chat about school and back yard picnics. Did you attend any of these . . . events? Do you know the pugilist known as 'Red,' perhaps . . . and a caboose in the woods?"

Angie closed her eyes and exhaled. "First you're hearing, sir?"
He nodded. "When I first heard I was horrified how innocent stuff can sound so freakin' —excuse me—so terribly bad. Especially when kids tell it so plain and simple and honest, it made my mind spin and my heart seize up. I was frankly glad my first narration was on an empty stomach, if you know what I mean, sir."

"Unfortunately, actually I do," he placed his hand flat on his belly and gently moved his soup bowl with the other.

In the pregnant pause, Linda's voice rang out, "I'm almost done. Is it time, yet?" she asked, "for lunch to be over?" She was still working on the last of the ice cream in her dish and not eavesdropping on McCarver and Flynn.

"Stay close, Ms. Flynn. And keep her closer, he motioned his head toward Linda. Not out of your sight, please, you hear?" he ordered, regardless of being robeless and courtroom deficient.

"We could go to the hospital gift shop and get a book she can read to me, and some crayons and paper. We could use one of those consult rooms off your court, sir, if you'd like."

He found her folksy patter refreshing, and her common sense illuminating. "I'm almost late, he said. I have to go."

"Judge. Quickie. Don't you worry up there 'til we chat. She's okay. Never been molested. Just let it play out. There's still hope she gets a fair custody." It was vintage Angie Flynn at her best—and still getting better, since she met Hart and company.

382

Judge McCarver opened the afternoon with a ceremonial light gavel tap on the desk. He didn't ask the court reporter to speak as a bailiff to announce the proceeding. He addressed counsel first. "Please approach." And so, they did.

His pleasantry was non-committal, but suggestive. "Good afternoon. My lunch was eye-opening and very instructive. I hope yours was as stimulating and productive," he declared. "As you know from this morning, this hearing is on the clock for a plethora of reasons, all of which are collectively immutable. If no decision comes from your presentations and deliberations, should there be any, by three-thirty, I will make my decision about custody for Linda Lowry. I have asked that she be here, so the custody is affected at the end of the hearing. As you may recall from our precursor

hearing on August 31, there are thought to be three avenues from which I will chose only one: Linda Lowry remains in her mother's custody, Linda Lowry is assigned to her father's custody, Linda Lowry is referred to New Jersey's Youth Services and becomes a ward of the state, eligible for adoption or foster care." He noticed Mellon blanched and Soro demonstrated no change of expression.

"Now, the anticipated schedule was for Ms. Soro to begin right after lunch with her presentation, to which Mr. Mellon can choose to respond or not. However, nearly half of Mr. Mellon's presentations were 'carried over' to this afternoon without resolution of Ms. Soro's questions or challenges for clarification. So, I ask you Ms. Soro, do you wish to continue challenges initially or make your presentations first? If the latter, we can, and will, go back to those 'carried overs' as long as there is time and that is the way you choose to use it." He allowed them time to think. And then he asked them to step back. And so they did. Mellon to his couch straightaway. And Soro, after a slight stutter step delay to permit Mellon his passage, proceeded over to stand next to Quatrane on Myles's better, left, side; as the judge indicated would be her afternoon position in his opening instructions.

When they were stationary, Eoin McCarver began the public portion of the afternoon session of the hearing.

"By three-thirty this afternoon this court will decide who will have custody of Linda Lowry. Since this is technically our August 31, 1992 hearing's completion, after an agreed upon impunitive continuance, the same three outcomes are before us. They are: custodial care will be granted to Linda Lowry's mother, Rosalyn Young Lowry; or to Linda Lowry's father, Myles Lowry; or to the New Jersey State Child Services for Linda Lowry to enter eligibility for adoption or foster care, excluding her biological parents as subject designation.

"What?" screamed Rosalyn. No one told me that!" she was standing and facing McCarver.

"Attorney Mellon. Please control your client or she will be excused from these proceedings," explained the judge.

Miss Hayes reached out to snag any part of Mrs. Lowry's clothing she could to stop her progress toward the bench and to get her back on the

couch. Fortunately, she caught the dress right below the waistline where there was flared fabric to snatch. It gave her purchase without actually touching Rosalyn's body in an act that Rosalyn could construe as bodily assault. She almost toppled back onto the couch.

Satisfied that was as good as he was going to get, Eoin McCarver continued, turning his attention and face toward Karidja Soro at her client's side. From there she could see the judge and those attending, including Danny Hart on their couch. From there he could issue one of four signals to convey Mrs. Lowry's current deportment and anticipated state of mind.

"Attorney Soro. Your client has the choice of having you proceed with your proposal or to return to those carried over from this morning. What would you choose?" he offered.

To almost everyone's surprise, but Hart's and Quatrane's, and Costa's, because they had discussed this at the lunch break, the counselor leaned over Myles's bed and asked him in a voice loud enough for all to hear. "Myles, should I go ahead as I planned for the afternoon?"

Fairly quickly, Eleanor Quatrane announced, "Mr. Lowry had signaled 'yes.'

Soro reported her client's answer to the court.

"Very well, then. Please proceed," allowed the judge.

Only slightly varied and with no consequence, Karidja repeated what she had already indicated twice during the hearing what Myles wanted the court to hear. "Your Honor, Myles Lowry, my client petitions this court to review his current suitability to share equal and uncontested custody of Linda Lowry with her mother, Rosalyn, to become effective at the close of this hearing." After that she said nothing to confuse the clarity of the issue, or to clutter it with details of execution.

Similar to the form of the morning session, the judge called out the opposing attorney's name to allow the opportunity for comment. He did not feel the need to use any time to repeat already established instructions or protocols. "Mr. Mellon."

He stood closer to his client and assistant, in order to be nearby if they required constraint of the former or rebellion quashing of the latter. He considered his opponent a harmless cripple, not meriting his concern.

"Your Honor, my client does not comprehend how Mr. Lowry could at this time comply with a finding of custody. Frankly, it is difficult to take this request seriously."

"Is that the full extent of your reply, and your client's complete response to the petitioner's request, Attorney Mellon?" asked the judge.

Mindful of the lunchtime revolt and Rosalyn's daylong disdain, he turned to the couch and making sure they were seeing him asking, he said, "Ladies? Anything?"

Lowry muttered to Hayes, "I need time. What is she angling for? What is she doing?" She stared right through Hayes and accused her and her boss, "You've known this question for hours. This is what you should have been doing at lunchtime—not Mellon's bullshit whining. And you wonder why I ran away—incompetence Miss Hayes. That and greed."

"I'm truly sorry," Hayes said. She told Mellon, "Nothing."

Mellon kept the frustration out of his voice, he felt. "Yes, it is Your Honor. That is our response and challenge."

The judge passed the comment on to Mr. Lowry's lawyer. "Ms. Soro?"

"Your Honor, my client feels he has demonstrated in good faith, his ability to afford safe housing for his family, in a Manhattan residential condo he owns that is not subject to landlord unreliability, rent increases, or premises insecurity." She held her ground bedside and continued.

"My client wants the court to recognize that this current permanent home is immediately near schools, markets, houses of worship, and transportation his daughter can utilize at this time and as she matures and advances into later grades and beyond, until she is eighteen years old; and that Linda does not need to exit that environment when she achieves majority age."

She paused and walked from Myles's side to standing in front of the judge's desk. Her body language demonstrated she was not yielding the floor to opposing counsel.

She spoke loudly enough for all to hear. "If it please the court at this time, my client would like to comment on the facets of the 'carry over' items that specifically relate to Mr. Mellon's direct question about his ability to provide safe habitation," she said. "My client is not asking for rebuttals, yet. He is just marshalling facts over fiction to provide a path to a resolution."

The judge replied, "I will need a few moments to consider whether this is procedurally correct and allowable. We will adjourn for five minutes. Please don't wander out of this room."

McCarver sought out a consultation room, from which to call his office. He stepped into the wrong one. He found Linda reading aloud to Flynn. "That's very good," he said to her. "Linda, may I just talk to Ms. Flynn in the hallway for a few moments, please. You can stay here and read to yourself or color. Whichever you'd like." He took her into the next room in case someone did wander. He did not want to be seen with Flynn.

He asked her eagerly, "Can you allay my concerns about Linda's welfare?"

"Yes sir. An NYPD detective on disability rides freights looking for bad guys. He comes into her yard. She's a train fan. Got the bug from Myles. She tags him as a hobo and feels bad. Shares Sunday food with him while train's in siding behind the apartment. Her mother's sleeping in. She's dysfunctional. You know that—about the books and reading and such. She poisons the kid's mind to *Glass Menagerie*. I've seen the book in her house. She works Myles up at birthday party time by telling kid to say the hobo's her 'gentleman caller'—like the mom in the play. Detective shows up weeks later after they've run away. He stays off the train and helps find her at that school. He ends four-year exodus and goes home to his wife and kids, just last week—that's the two girls Linda told you about. He's not a serial abuser. But it sure could sound like it. All the other stuff is schoolyard bullying, nothing to it, except it made them come back home this week . . . Look sir, she's no friggin', sorry, prize. But don't put the kid in the system as a sex victim. It's not true and she'll never shake it. We better get back, Your Honor."

"Thank you, PI Flynn," he said. His office call was even quicker to a judge colleague. He got the answer he asked about and went back to court.

In the meantime, sitting and waiting for him to return . . . anyone carefully listening and hearing the word 'resolution,' would know it was now that Karidja would be suggesting a closed-door session, similar to the one on August 31, that saved the custody process and led to the current hearing continuation. There were hurdles, though.

The emotional obstacle was that Rosalyn Lowry was absent on August 31 and did not have the lived experience as a foundation for confidence at this crucial moment. Neither was Miss Hayes. That left only Mellon. And he resisted that resolution process initially in August until he had no other choice. So Karidja needed to indicate reasons the ladies could find value in a resolution, and to limit Mellon's choices to try anything but.

All this might be moot, however, for one reason. The judge's custody outcome guidelines were fixed: mother or father or state. And Myles's presentation did not fit within them. She had succeeded once before. Could she again? She could not outright ask for the out-of-the-box solution she was pursuing.

McCarver was back at the desk, from where he announced, "Okay, people, we are back in session. Thank you for not dispersing." He shook out his robes.

"Attorney Soro. I have consulted by phone with my judicial colleague on your question. I am prepared, within limits I will enforce, for you to address the 'carry overs'—but just for habitation."

He looked to the other couch. "Have you any objections to this, Mr. Mellon?"

He gave the answer they discussed on the couch while Eoin was out of the room. "No, Your Honor. We appreciate the limitations very much."

Karidja check the time and started in quickly.

"A key housing question was safety. We were told a known intruder in jail threatened my client's daughter, yet she mauled an innocent man. The other threatener is still at large according to Attorney Mellon. My client wants to know if his vehicular attacker, who also is currently incarcerated, is that other threatener?" If he is not, then does the outstanding threatener pose a continued danger my client should know about, in order to secure his home properly when his daughter arrives?"

As promised, Karidja did not wait for an answer from the judge or a rebuttal from Mellon, or for that matter from Rosalyn, if she spoke out of turn again.

"The other issue entwined in home stability was robust and long term custodial financial health, as it related to longevity of occupancy. My client is of the understanding that if this court decides in favor of her mother, then Linda will no longer be needing child support and spousal alimony will be void, since my client would not be the abandoning and exiting spouse. My client would want to receive a definitive answer about that as part of the decision-making process and custody implementation today, please."

She took a breather and the set of her papers, held just as a prop, and placed them on the foot of Myles's bed. She did not ask the judge if this was the time she could take him up on his offer to verify Myles's awareness of the proceedings, sometime after the lunch recess. But she alluded to it by stating without turning away from Myles, "I'll just need three questions of those six you offered, Your Honor."

When he didn't stop or correct her, and when Mellon didn't object, she repeated her tactile foreplay to discussion with him, and then asked him, "Myles, could you hear most of that?"

It took some time, but finally, when she was about to imagine another strategy, Quatrane spoke. "He squeezed twice for 'yes,' Your Honor.

Rosalyn was getting nervous. She had been to Vegas earlier in their marriage and they had seen such a con job. She stood and walked over to watch closer. No one stopped her, much to Costa's amazement. She got herself ready to protect Myles, just in case. She was well aware they were not

in a courthouse. There were no bailiffs with cuffs and nightsticks and sidearms. She wondered if Flynn and Hart were carrying.

Karidja asked her second question. "Myles, did you agree those were the questions you wanted answered?"

Even longer this time, but two squeezes again. Eleanor made sure Rosalyn saw the movement. She had. And as she walked back to the couch, she heard Quatrane say again, "That was a 'Yes,' Your Honor."

When she went to sit down, she realized Hayes had slid to the end. Rosalyn had to sit between them, or be chased away to a folding chair in the mock 'gallery' area. As she stood facing them and before she turned to sit, she whispered to them both. "Am I fucked, or what?"

She looked at Hayes when she was sitting. Mellon's assistant quoted her back correctively, " . . . Or what . . . so relax. Stop the swearing and the bad vibes, please."

Then Soro asked, "And do you want to know who they are?" The lawyer did not define 'they' to leave her the widest possible latitude of interpretation.

This question did not stump Myles. His two squeezes were almost instantaneous and reported quickly by Eleanor, "A 'yes,' Your Honor."

Mellon stood to object. The judge elevated the top of his fingers of one hand off the desk, while leaving its wrist and heel in contact with the wood. "Not your turn yet, sir."

"May we approach, Your Honor, Karidja requested, somewhat unexpectantly, and as a courtesy to Mellon, or so he thought.

The three of them stood in a triangle. "I think I agree with Mr. Mellon about not revealing those names in open court or having them in the written record, Your Honor."

"What are you suggesting, Ms. Soro?" asked the judge, knowingly. He saw the court reporter had once again adjusted her posture outward and held her hands in her lap.

"Maybe the five of us could give you a break, Your Honor. Say twenty minutes or so, in one of those consultation rooms?" she suggested.

"Five?" demanded Mellon.

"Yes, Godfrey." She and the judge knew Mellon didn't miss that, for sure. "You and Miss Hayes, me and Mr. Hart, and Mrs. Lowry. I'd really like six, but Myles won't fit."

"What are the ground rules, Your Honor?" Mellon probed.

The judge adjusted in his chair. He inhaled deeply and exhaled similarly. "I don't recall I imposed any in August. Can either of you remember any that time?" They each shook their heads for a quiet 'no.' "Those were just one squeezes, right counsels?" he asked, as a Myles homage.

Very uncharacteristically, Mellon surrendered somewhat, mindful of the last time he went to the legal version of the woodshed with this lawyer. He rapped his knuckles lightly on the judge's desk, twice.

McCarver cleared his throat in the stenographer's direction. She thought he had just knocked on the desk to get her attention. So, she was looking his way. He gestured to her keypad. She swung around and got in position. She started keystroking in shorthand to record the judge's direction to: "Please step back counsels and take your seats."

And as she moved, McCarver addressed Soro, "Second room on the left. Miss Lowry and Investigator Flynn are in the first."

When the lawyers were couched, McCarver addressed the assembly.

"With respect to Mrs. Lowry" . . . that got her attention . . . "and in response to her attorney's request not to divulge the names of persons of interest who allegedly threatened Linda Lowry . . . the petitioners and their representatives are going to be dismissed for a twenty-minute closed session. This will be held down the hall in the consultation room."

Rosalyn Lowry, still sitting between Hayes and Mellon, demanded, just so they could hear, "What the hell is this about?"

Before Mellon could make a mess of it, Hayes took charge. "This is the 'or what' I told you to hope for Mrs. Lowry. It seems Mr. Mellon has set the table for a power conference. And you are to participate to have a full voice in the outcome. Does that interest you?"

"It does. What do I do?" she proudly asked.

"First, you stop you goddamn swearing before you get thrown out on your ass and miss all the fun at the grown ups' table," Hayes smirked.

"As before, the rest of those assembled have a twenty-minute recess for outside air or refreshments and comfort station use—but with severe conditions. So please pay attention." He made sure he waited until the five couch sitters were up and gone. "Anyone who communicates about these proceedings, which have now entered a critical stage, to the outside world by any means—voice, phone, written note, smoke signals— anything or anyway will be held in contempt of court. The fine is $ 500 and for grievous revelations, two days in the county lockup." He scanned the room and made sure everyone was paying him heed. "Go enjoy people. Twenty minutes. Don't be late."

McCarver stepped over to Gaby and Eleanor, as the court reporter went toward the door. He stopped and shot a look toward her and called out. "That prohibition applies to court personnel as well, thank you."

She raised her hand high and gave him an acknowledging wave without looking over her shoulder. She laughed to herself, hearing her mother's voice in her memory, cautioning her never to look back at a man when she was leaving, "because he will always think you want him to follow you."

383

The judge knocked on the consultation room door and Flynn opened it, blocking the view of the room before she could see who was in the hall. McCarver saw she was shielding Linda Lowry, unaware of the protection she was receiving as she colored a picture.

The judge was back, but this time he was in his robes. He asked Linda if she liked ice cream. She told him, "I had ice cream in the hospital when I got stroked by the heat in the caboose. They said it was for my core temperature. I never ate an apple that was hot inside—except a smushy baked apple once. I didn't like it. It was too soft and the cinnamon burned my mouth."

"What flavor do you like, Judge McCarver? asked Angie.

He said chocolate was his favorite.

"And how about you little lady? she asked Linda.

"What time is it? the six-year-old asked.

"It's almost two o'clock," Angie told her. And then she asked the child, "Why?"

"If it's too close to dinner, I'm not allowed," was the answer.

"I'll check on dinner time. I think it's going to be late tonight, because we have to make that drive back to your apartment at the end of the day." Flynn replied.

"Okay, then if it's not too late, I like vanilla." she told Angie.

Angie left them alone, under the premise of the cold mid-afternoon treat from the cafeteria. She was only going to bring back paper cups with a lid featuring a small pull tab, and a paper-wrapped wooden spoon that was a kayak paddle wannabe. She hadn't searched the freezer during her salad-less lunch time, but if it was hospital stock, they both may be winding up with a neatly bisected cup with each half being one another's favorite flavor.

Eoin inquired, "Linda, would you have had a different favorite flavor if Ms. Flynn had told you it was four-thirty in the afternoon?"

"No. I would not have told her my favorite," the youngster told him.

"May I ask you why?" he searched.

"My mom says if you know you can't have something, then don't make it easy for somebody to tempt you to have it. That's why," Linda proclaimed.

"I've never heard that before. Can you explain to me why your mom thinks that way?" he dug deeper.

"It's a power thing, she teaches me—like in a lot of books and stories she reads to me, and I read in the *Arabian Nights*. Do you see? Am I telling it good enough?"

"Can you tell me about one of those stories your mother reads you that has the power thing, please?" he asked.

"Sure. Let's see. There's spinner ones and tower ones. Like the mean guy who wants to take the lady's baby and has the power to do that, unless the mother knows his name. She finds out his name by a trick, and he loses the power to take the baby. Do you get it?"

The judge said he wasn't sure. So, she told him another one.

"And the one with the lady in the tower. She lets down her hair to let the guy climb up, but only because he knows her name." Flynn knocked and came in with the two ice cream cups. But Linda finished the story before she opened the lids. "If a lady isn't supposed to let a man into her high up tower, she shouldn't tell him her name. See, that way he can't tempt her to let him in." Flynn didn't know what she walked in on. She stood with the ice creams, still very curious about what this judge's thing was with this little girl. "So that's why when it's too close to dinner, you don't tell your favorite flavor. That way you don't give away the power to get tempted to have it and ruin your dinner. It's really pretty simple. You get it don't you Ms. Flynn."

"Now that I hear you explain it, yes Linda, I do," she said.

Linda fought the brain freeze because she loaded up the wooden paddle with too big a scoop of vanilla. She made a slurpy sound sucking on the scoop with her warm breath to try to melt the vanilla on her tongue. Around that all, she said, somewhat muffled by the cold. "Maybe you have to be a girl to get it, huh?" Neither adult decided to answer. Rosalyn's parenting had frozen their brains.

Flynn excused herself and stood in the hall, guarding their privacy with passive resistance instead of a gun or a badge, one she had left home and one she didn't have to leave home in the first place.

Halfway into his chocolate, McCarver thought of another line of questions to learn more about this girl and her mother and their future he may wind up sanctioning or derailing. "Linda, who has the power in *Arabian Nights*?"

"Judges are smart, you know. My mom says that. She says to pay attention to the questions they ask. Some she says are tricks. Like the one you just said." She scraped the vanilla from the pesky cup bottom and side.

The judge waited for her, but thought of what she said, because he was listening carefully. "How did you get corners in a circle?" He thought. Now *that*, he thought, was a tricky question.

She thought of some answers. "The king has the power in the *Arabian Nights*. But he does bad things with it. He kills ladies. One every night. Until a smart one comes along. She tells him stories that never end, because she is smarter than him. My mom taught me as we read these at bedtime since we lived in the apartment without my dad. If a lady distracts a man, he will fall asleep. He won't hurt you. You trick him into thinking he still has the power, but you take it away a little bit every night. Did I get it right, judge?" she asked.

He sighed that she was only six years old. And she was learning how to read these to, and for, herself. She could become Scheherazade in that many nights. She had less than a year more. Should he provide it?

"Who else has power in those stories? And how do they use it?"
He asked her what she thought about such a question. He told her he did not mean it as a trick. He really wanted to know.

"Did you finish your ice cream, yet. I did. Give me your cup if you did, I'll put them in the garbage. Mom says never leave stuff around, you never know who will be looking for something." She took his cup and put it in the trash. She wiped her hands on the napkins Flynn brought.

"The Jinns are old and live so long because they have power. But they can lose it and need help to get it back again," she began to tell him.

"How do they lose the power," McCarver asked, aware that he had only a few minutes. "People trick and trap them. They put them in bottles and boxes and magic containers. They lock the Jinns in and they can't get themselves out from the inside. They need help." She dictated.

"How do they get out?" he asked.

"Luck, mostly. Somebody finds the container and it's so old they want to clean it. They rub it with a rag or their hand or something. It frees the Jinns and they come out, looking like steam or smoke at first, but then they take a shape. As a reward for being let free, the Jinns give you three wishes.

"Well, that sounds pretty cool," said the judge.

"Not really. People are stupid in the stories. They waste the wish, or the Jinn tricks them to wish for something they tempt the person to want—when all along it's the Jinn who wants it." She was sounding wistful.

The judge tried to finish it up, for what he wanted. "What would you wish for if you freed a Jinn and you were promised three wishes?" he posed.

"I would ask a Jinn for nothing," she declared.

"Why is that, Linda," asked the jurist.

"A Jinn must stay with you and be your friend until you use up the wishes. I have no friends in the apartment, except there was Annie Meadows. But she lived far away. She was only a school-time friend. So, I'd make the Jinn stay and play with me instead of asking for stuff. But they get tired of staying for too long in one place with one person, so they try to trick you into it."

She tried to see if the judge understood and decided he needed to know more. "And that's the power thing with the Jinns. They have the power, but if you don't ask for a wish, you win, and they don't have power over you. My mom says all wishes do is disappoint you, in the end anyway."

Flynn had come in and heard all of that last part. She pointed to her watch. The recess was winding down. She asked, "If you had two Jinns and could still keep one and ask the other for three wishes—what wishes would you make that you don't think you would be disappointed by in the end, Linda?"

Two things surprised the judge. The first was that he didn't think to ask Linda the question that Flynn did. And the second were Linda's answers. "I'd wish my dad got all better fast. I'd wish my mom and dad were friends again. And I'd wish the three of us were a family again without divorce."

384

Another examination of power was going on right next door to Linda and the judge.

Linda's mother immediately strove for the upper hand she was forced to sit on in the court-and-judge-and-lawyer setting all morning. "This was always supposed to be between me and her father. He can't do anything for himself, let alone for a kid. This should be no contest. Where's the state come from, all of a sudden?"

She was fed up with Mellon, so she was glad he didn't start making excuses. She looked to Hart. "You're not going to screw me over now, are you?"

"In absolutely no meaning or application of that word, ma'am," he assured her, though one person in the room was curious if he already had. "I told you before. I am in this only for Linda. And then I'm history. You can ask the lawyers. They each hired me. And I walked away from them both when I couldn't focus on Linda. Mr. Mellon for good. Ms. Soro just for a short period of time before we joined up again."

"What about you?" she asked Karidja. "What's your game?"

The attorney spoke her answer, not just to Rosalyn, but to everyone in the room. "My preference is soccer. But this is not a game. My specialty is

resolution of conflict. And today is the last day for me to do that with you and your daughter and her father."

Miss Hayes stopped being curious and brought herself back to the proceedings at hand, jumping right in. "Why your last day? You mean the judge made this be the last day of the case, right?"

Soro again spoke her answer to the entire room. "Miss Hayes, I always say what I mean, or I say nothing at all. Ask Mr. Mellon, he knows this. In fact, he can tell you that we have this one day today from the judge only because together—Godfrey and I reached a continuance resolution of this custody battle on the last day of August, when all parties were not before the judge."

"She is telling you the truth, ladies." Godfrey said. "But I do not know, any more than you do, why she says this is her last day. Why is that Ms. Soro."

"It is because of you and Mrs. Lowry, actually . . . and some other people with whom you have battled over the years. Our advocacy . . . that is, mine and that of the two ladies by Myles's bedside in the hearing room . . . our advocacy for Linda has cost us our jobs. At five o'clock today we have two choices—we can resign immediately or we will be fired by Columbus Day." She saw Danny was hearing, for the first time, that their apprehension, hanging over them since Ned Hegerman's death, had comes to pass.

Karidja kept an even keel as she continued addressing the room . . . "but we have twenty minutes about Linda, not us. By three-thirty we must be back in front of Judge McCarver. So, may we get on with it?"

"How do you propose to do that?" asked Godfrey. He was clearly not going to ask how he cost them their jobs, at least not here, not now.

She stated unequivocally, "We start by realizing that what we have done already today, to each of the petitioning parents, has advanced the case for Linda to be in the custody of Child Services this very night. It can only be the court's observation at this point that neither Myles nor Rosalyn is ready and able to be the sole caretaker and custodian of their daughter."

Rosalyn interrupted curtly. "So, what's the point? Why are we in this room and not still out there before the judge?"

Soro patiently answered, "Because we must not miss the irony that Eoin McCarver knows the state system is no more adequately equipped to do so than you are, Mrs. Lowry, however imperfectly he might know that to be."

Rosalyn sharply retorted, but did not get far, "So—"

Soro would not accept this wasting of time and energy. She also did not want bad will to rise to the surface and make a resolution, already intricate for her to fashion, near on to impossible. "There are things we know that you, Mrs. Lowry, and you Mr. Mellon, continue to deny and hide. Your subterfuge will lose these biological parents the presence of their daughter in their lives. You must understand how this works when we go back before the judge. This capitulation of a human person, your daughter Mrs. Lowry, to a state agency is irrevocable. Linda will never know until she is eighteen years old, how to find her parents, or whether they simply gave her away. She will become part of a governmental system and most likely not even live in this tri-state area."

Rosalyn retorted, "You don't scare me lady. I'm walking out of here with my kid today."

Mellon raised his voice and his accusing finger, "You will be walking for sure. I'm not participating in transporting a fugitive parent who has abducted her kid from the family court for the second time in a little more than a month and wheeling her across state lines. Angie Flynn will not be driving you to New Jersey."

It was Miss Hayes who ventured into the breach, as she so often had done over the years, to pull Mellon back from a brink his toes-in-the-air did not even recognize. "Godfrey. Please." That got his, and everyone else's attention; none of them knowing the dynamics of this chaste-and-not-even-platonic relationship. "You and . . . your client . . . Godfrey . . . are wasting precious time again."

She did not cede the floor. "Attorney Soro. I know why I am here. But may I ask why Mr. Hart is included in this gathering?"

Soro looked at Danny and he took her meaning by speaking so she was not making assertions to challenge her objectivity. Accordingly, Danny answered the question, aware he was speaking to the whole room and not

just to Hayes. "I can handle that, so you know it right from me. I am here to corroborate facts presented, or to question them. I am also here for moral support."

Hayes countered, "For whom?"

Danny replied, "For which? The facts. Or the support?"

Hayes made the next move, "Either. Both. I suppose."

Danny checkmated, "Same answer to each, ma'am. For anyone who needs me to do so, or to be such." Some noticed he said this while looking not at Miss Hayes, but directly toward Rosalyn Lowry, who didn't know if she should accept this answer as a threat or a promise.

Danny Hart swung the group's direction back to its true purpose, and to move it forward. "Karidja, how would you go about this resolution?"

The resolutionist began to explain, "I have names of people or places printed on index cards—"

It was Mellon's booming voice interrupting. "Oh, God, not the index cards again, Ms. Soro." He laughed so loud that Miss Hayes scolded him to be quiet, or they would be hearing him out in the hall. In a more reasonable volume he swore to them, "You ladies must see this. I swear to God it works."

Lowry was getting claustrophobic. "What the hell are you shouting and carrying on about?" she demanded of Mellon.

Karidja took over, he was still laughing too hard to talk straight. "The cards trigger a process of discovery and decision-making, Mrs. Lowry. Each folded over card has names or words printed upon it. The folding hides the names or words until you open it, so only you see it. I will give you and Mr. Mellon one card. You will not see each other's cards."

"How's this work?" Miss Hayes asked, trying to keep it factual and non-charged, without edginess. Soro responded in her soft and calming voice, "Rosalyn and Godfrey, you have a choice. You can tell the group about the person or the thing described. Or you can choose to—continue—to conceal

what you know of it from the group, completely or partially." Making sure there was no 'pushback,' she kept going.

"We will do this three times. For each of you I have three cards. When we have reached the end of the card distribution, you will have decided to reveal information that will help keep Linda off the state rolls. Or your persistent policy of deceit and concealment will determine her fate. It is really that forthright—notice I did not say 'simple.' Mr. Hart will explain the rest."

Danny chimed in. "Because Attorney Soro does not think that Miss Hayes has personal skin in the game, so to speak, she will determine—by lot—which person has the chance to go first or be second in each round. Additionally, after each round, if she decides she wants to do so, she can add to the revelations, or refusal to reveal, of one—but only one—of the cards shown in that round.

"And your role, Mr. Hart?" asked Rosalyn, showing interest in the process for the first time.

"Fact checker and moral supporter. That's it. That's all I am allowed to do," he answered.

Miss Hayes seemed to need to have one more assurance. She was irritated that Godfrey was saying nothing to qualify their involvement in what appeared to be a game of high stakes brinkmanship. "And how are you qualified to do this Mr. Hart? Why should we believe your fact-checking, for instance?"

"I have worked for both, shall I call them, 'sides,' in this matrimonial dispute. But neither lawyer knows what I have found for the other. Their confidentiality has been honored. But in this go-round, facts are facts, regardless of whose employ I enjoyed during the discovery. You three represent one spouse, present; Ms. Soro the other, absent. I'm just the fulcrum of the teeter-totter, keeping things level."

"If you were a lawyer," injected Hayes, "I'd frankly be more comfortable with you being the balance of the scales of justice here. Like, you're not even sworn in or under oath about these facts you seem so willing to provide."

Danny applied the lessons he had lately learned from Karidja. Before he had met her, he would be screaming and yelling by now at Hayes. Instead, his speech was measured and polite. Off to the side, Rosalyn was taking this all in, pleasantly remembering her time in the bank on Long Island with Danny and Officer Frances. "Miss Hayes . . . you are owed these facts . . . first, I am not very willing to be here . . . my presence is due to Linda Lowry being too young to understand and to be exposed to what she would likely hear about her parents . . . someone has to represent her interest . . . I chose to be that person weeks ago and continue to be . . . second, I am considered an officer of the court, as Ms. Soro reminded me at the very onset of my involvement in this case . . . that designation carries more force, in many ways, than being sworn in . . . as it covers more than just what I say on my own accord in answer to specific questions put to me on a witness stand . . . and lastly, everyone here should be certain that I do not mistake, nor equate, the law and justice . . . and I'll leave it at that."

Now it was time for her to begin, so Attorney Soro, avid long-time fan of the Côte d'Ivoire Elephants and their penalty kicking mascot, announced, "We have about twelve minutes left of the allotted twenty for this resolution to be reached. The purpose of inviting revelations is to search for a common ground we can present to Judge McCarver for his consideration, and hopefully, his acceptance and implementation this afternoon."

"We will begin with an 'open hand' without a card. I will speak a person's name for you each to comment upon to the group. Miss Hayes, Mr. Hart will place in front of you, once you have averted your eyes, a dish with two similar marbles for you to pick by lot. One is blue and one is pink. Please excuse the inherent sexism in the colorations, but Mrs. Lowry will be first to answer should you chose pink, and Mr. Mellon should you select blue. Your choosing will be transparent to all present, except, of course, to yourself."

Soro saw the group was at least willing to try, in that no one rose to leave the room. "Mr. Hart, if you would please." He placed the empty bowl where Hayes could see it. She turned away and even closed her eyes. Danny placed the marbles so they made a slight noise Hayes could recognize. He said 'ready' and she reached in. With the blue marble in her hand, she opened her eyes and said, "Godfrey. Your turn."

He looked to Karidja, who intoned, "The first person for you to tell the group about is Charles Spada." She paused for effect and then got on with it, "Mr. Mellon?"

Godfrey looked at the table in front of him for a moment. Trying to decide. He thought he would test the waters. "Charles Spada was an intern who we gave work at our firm for about two years or so. We recommended him to a school in California to begin with the current semester."

Miss Hayes was severely disappointed that her boss elected to start in this insincere way. She spoke up, in a drawn-out invitation, "And —"

Karidja spoke up. "I know this is a practice round to open, but Miss Hayes, you should wait to hear what Mrs. Lowry has to offer, or not, before deciding to comment. You can only do so for one of them, each round."

Hayes answered her, but looked squarely at Mellon. "Godfrey. In or out. No quibbling. If Hart says he's an officer of the court, what does that make you, for God's sake?"

He did not answer.

She did not give up. "She's a kid, Godfrey."

Reluctantly he confessed. "I convinced him to be quiet about working for me and steered him over to apply to intern at Hegerman's firm, so I knew what Ned was up to, on what I thought was a different matter. Turns out they weren't." And he would say no more.

Attorney Soro gave him a moment more, which he did not use. So, she said, "Mrs. Lowry?" They were all learning that there was to be no further prompting from the resolutionist at this juncture of the interaction.

Roslyn was, as had been stated earlier, 'forthright.' She enjoyed watching Mellon's surprise to learn what he did not know already. "Yes. I knew him. We called him Charlie, though. 'We' being his daughter and me. But I'd add several months onto that 'two years or so.' I think he was at playing all three sides of the street before the initial hearing. For reasons of our own, we turned Spada to our purposes—which were similar at first, to prejudice my custody battle. She was the lawyer; I don't know what lure she

used to get him on board. I didn't want to know then and I'd hate to begin imagining what she promised, or provided him. I learned later, however, that our motives were different. Anyway, Aello pressured Mellon and he, pointing across the table at Godfrey, somehow influenced her father to convince Myles to accept a very restrictive visitation arrangement, for what I imagine he thought would only be the first two years. It was murky to me then, and still is now. I got what I wanted and it's all I cared about, frankly."

Since she stopped at that point, and Mellon had nothing to add, but his chagrined face, Soro asked, "Mr. Hart. Anything to add?"

Danny stayed within the parameters Karidja had cautioned him to do. "All my data were established long after the fact. As far as what has been said, I have no counterindications."

Karidja spoke to the room. "That is how this works, except that going forward, we will use the index cards and the information to each participant will be different. So, Miss Hayes, make sure to wait until both have spoken, or chosen not to do so, please. And Mr. Hart, stick to what has been said only, as you did, please. Everyone good with this, so far?" They all nodded.

"Here are your first cards, then," said Soro. "Do not say anything until we know who goes first." Turning then to Hart and Hayes, she said, "Mr. Hart . . . Miss Hayes." They performed as earlier and this time the pink marble was selected.

Rosalyn looked at her card. The words printed on it were the name of Marie Aello, the term Aello Paternity, and the word Trust. She thought she had a pretty easy go of it. There should be no surprises or secrets she had to give away. So, she simply read the words on her card.

She began a short narration, without much elaboration. "I met Marie in college. She was older and went to Columbia. I was at Barnard. We worked on the protests together in the early seventies. We feuded back and forth about who was more revolutionary. We had a falling out over that. I don't think I knew then that Ned Hegerman was her father. That only came later. But I leveraged that knowledge, with her blessing, against Myles, through Attorney Mellon, to my advantage in divorcing Myles and gaining primary custody of Linda. I am not certain what the meaning of the word 'trust' is here. I came not to trust Marie, or Attorney Mellon for that matter, during the

preparation for, and after, the custody agreement was declared. But this card uses a capital letter. I am not precisely sure what Trust is meant by it."

Miss Hayes noticed that Hart and Soro exchanged a glance when Rosalyn was finished. But she did not speak up about it.

Karidja met eyes with Mellon when Rosalyn ceased speaking. Soro turned her right hand over while keeping the side of her palm on the table. He nodded in acknowledgment that his turn to decide was upon him.

On Mellon's first card were a set of words: the name of Joshua Winston, the name of Mrs. DeWitt and the initials SEC.

He read the card thoughtfully. Twice. Then he asked, "Attorney Soro. What is the procedure if I choose not to offer information about the message on my card?"

"Are you asking me a specific question, Godfrey?" Karidja replied.

"In particular, I guess I want to know if I just say 'pass,' or if I also have to read the card aloud, so the group knows to what am I choosing not to respond?" asked the lawyer in a dissecting manner.

The resolutionist nodded her understanding and replied, "It is still necessary to read the card. In this way, all present will know what you were asked and to what you were declining comment. This will be particularly informative to those in the room who themselves have knowledge of the information and they can then evaluate your decision to decline."

She added, "Of course, that is different from Mrs. Lowry's indication that she did not know about one of her words. We must have the courtesy extended to know what constitutes a refusal to share and what is actually an inability to do so."

Godfrey said, "My card has two names and an abbreviation. Joshua Winston, Mrs. DeWitt, and the initials SEC." I choose not to reply.

When asked, Miss Hayes said she would comment on her boss' reluctance. She imagined that the acronym of SEC referred to the Securities and Exchange Commission. While she did not recognize the woman's name,

she said she had seen the man's name on checks written to a managed care facility in Riverdale.

For fact checking, Hart took an interesting turn. "Since Attorney Mellon has declined, he has made no statements subject to fact checking. But am I to say anything about Miss Hayes's observation?"

Attorney Soro stated, "Only if what Miss Hayes has said is factually incorrect. If it is incomplete, such as that she does not recognize the name of Mrs. DeWitt, you are not to comment., even if you have knowledge about such a person"

"Thank you. Then I have nothing to correct," he told the group.

But then Rosalyn spoke up. "What if I want to know who such a person is, or was?" she asked.

"That will have to wait until later, then," explained Soro.

"So, he can stonewall and get away with it?" she challenged.

"Neither of you is compelled to participate or to answer except to the extent that you wish Linda to remain with her family." That was all the resolutionist would say as an answer.

But then she added this advice: "Please remember that this is not a contest between you and your attorney, Mrs. Lowry. This is an opportunity for the two of you to cooperate—apart from your differences, because you clearly have some of those—with my efforts, on your former husband's behalf, to keep Linda out of state custody."

This was a clarification not lost on either Lowry or Mellon, or Hayes.

The second round of cards were distributed.

On Mellon's was the name of his father, the name of Missie and her workplace Riverdale Retirement Home.

On Rosalyn's card were the names of Ned Hegerman and Godfrey Mellon and the words: Original Divorce Agreement and Custody Arrangement.

Hayes again selected the blue marble and Mellon had to choose whether to take part or not. Even without knowing the contents of the card, she felt the pressure on her boss, because to repeat a refusal would be catastrophic.

"The first name is that of my father. Missie is a niece of mine. She works at the Riverdale Retirement Home, which is where, as Miss Hayes has felt necessary to divulge for reasons I can not fathom, a man by the name of Joshua Winston currently resides and receives care." He stopped at that point, pleased to offer nothing else.

"Wait a minute, there, Godfrey," called out Roslyn. "Why are you paying for this Winston man to stay where your niece works? And what does she do there?"

Mellon sought refuge behind Karidja's rules, asking her, "Is it part of this process for questions to be asked that have to be answered?"

"The resolution of this issue of custody depends on effective representation by counsel, Godfrey. So, you are going to have to decide to answer Mrs. Lowry's questions as her counsel and not as an opposing participant in this process. The process only serves as a forum to have something to present to Judge McCarver that favors your client's cause for sole and primary custody."

"So, I'm asking as your client, Mr. Lawyer," charged Rosalyn.

When Danny heard the appellation, he knew the break between them, that he was hoping would occur, was starting to show. After all, he'd been through this at the bank and personally been so targeted on a school van and in his own car.

"I don't know that I can answer without betraying another client's confidences, Rosalyn," he declared.

"Who? Marie Aello? Hegerman's bastard daughter!" she demanded loudly.

Mellon took the bait. "No, it is not."

"Okay, Godfrey, what is this, then? You have a conflict! The last time we talked about this—even though it was about Aello, and you claim this isn't—you said you would side with the most likely winner, and the one with the deepest pockets. So, I'm asking you now—with no index card bullshit—which client are you representing?"

Miss Hayes was unsure of what to do. She could clearly see Linda's mother was no longer caring about Attorney Soro's rules or process. Hayes could only think that Rosalyn didn't care if this was Hemingway's take on bullfighting in *Death in the Afternoon* or the streets of Pamplona in *The Sun Also Rises.* She wanted blood and it didn't matter if it spilled on dirt or cobblestones.

"May I—" tried Hayes.

"You absolutely may not, or you're fired. On the spot!" Godfrey was not having her interfere again.

They all looked to Karidja. She waited a moment for tempers to cool, at least a few degrees, before telling them calmly, "It often happens that a resolution effort ignites deep passions. These are not dead ends. Only cul-de-sacs, out of which turnarounds back to the main road can be made—"

"And how is that?" required Rosalyn.

"By a compromise . . . which I would be happy to suggest, if you both would care to hear one offered." She was aware there were less than seven minutes left.

Both Mellon and Lowry were aggravated at each other, with some left over on Mellon's part to direct at Hayes. But neither was offended by what Soro was trying to do for them, for Linda, whatever. And she didn't try to stop their feuding or interfere, much to Danny Hart's admiration.

Karidja said, "Some give and take, then. Roslyn, would you accept not knowing who Godfrey is representing in paying for Mr. Winston's care, in exchange for him divulging who Mrs. DeWitt is, and how Mr. Winston is involved with the SEC?"

Mellon went visibly livid. If he hadn't, Rosalyn might have thought this was a worthless offer. But obviously, Soro knew this was important in some way to come back to it from their first round of cards. So, she accepted.

Karidja simply said, "Godfrey?"

He saw that Miss Hayes was doodling some sort of oval shape on her papers. She repeated the shape, twice more. He was shocked to see, even surreptitiously out of the corner of his eye, that she was constructing a Venn diagram.

The lawyer felt cornered. If he lied, Hart would call him on it. If he hedged, Hayes would issue a challenge to be more 'forthright'—the byword for the session. He had warned Rosalyn about this lady attorney, and now she would see firsthand it was not a wasted piece of counseling advice.

"I am not sure if I recognize the name of Mrs. DeWitt. But I can tell you that Joshua Winston has a long-time association with my father and our law firm. The last job he had was as an SEC oversight official in Manhattan. He retired from that job at an advanced age, with some infirmities that required him to seek residency at the Riverdale facility, for which housing and medical care our firm has been retained to fund for the rest of his life."

Danny Hart had already witnessed with his own eyes that Rosalyn had various survival instincts and acuities, as she dealt with an insurance company, a bank, and with the US Treasury Department. Surely, she could follow the dots here if she had one or two more ink spots.

"Godfrey. If your niece works there, can I safely assume that the long term relationship you cited is in the form of Mr. Winston being some kind of blood relative of your family?" she posed off handedly.

"Yes. Distantly," was all he said.

Karidja saw she was down to five minutes and she needed at least three for her proposal.

"Time being of the essence, Mrs. Lowry, it is now your turn with your second card," said Karidja. On Rosalyn's card were the names of Ned Hegerman and Godfrey Mellon and the words: Original Divorce Agreement and Custody Arrangement. She read these to the group.

Then she started in. "You all know who these lawyers are. And I've told you we manipulated them with the deceit of Charles Spada to give my former husband a raw deal. All's fair in love and war . . . right?"

She looked around and then said . . . "But maybe not." She turned to Mellon's assistant. "I wonder Miss Hayes, could you tell us how long you have been at Attorney Mellon's side?" Thinking it was a factual answer not worthy of consideration, she told her. But then Rosalyn asked, "And his father before that, right?"

Now she and Godfrey were alerted, too late. "For me to answer and explain the last entry on my card, I'll need your help. Did you work for either Attorney Mellon on those proceedings?" Hayes was torn. From Godfrey's point of view, she was trapped in a possible crime. But from Linda Lowry's she was given a chance to assist at justice. She chose the latter. "I worked for both on those."

"Okay. Good. So, I can trust you and Mr. Hart to check, and correct, my facts. I'm going to tell the group that I think Marie Aello did not have an academic scholarship for her studies at Columbia. I think she had a Trust—from her father. And from the way Ms. Aello manipulated the Mellon firm this month about the audit for her inheritance, I think the firm had something to do with that Trust, which she said still had about a hundred thousand dollars in it."

She got up from her chair and paced to think about her next admission. "But here's the thing. The Trust fund doesn't belong to her any longer. It now belongs to me. And has belonged to me since I graduated from college. And I want it to stay that way, because the beneficiary of that Trust is my daughter's future education. Marie Aello was willing to kill to change that. So anything I do short of murder to keep it seems fair and legal."

"What the hell are you talking about Rosalyn?" Now it was Mellon doing the demanding.

Rosalyn went over to her satchel and withdrew a pair of pages. "Attorney Soro. You know what this document is, do you not?"

Karidja nodded an affirmation.

"And it transfers those Trust funds remaining to me to use for Linda's education. Does it not?"

More confident than ever because of Sally Norris's timely phone call, Karidja nodded an affirmation.

Hayes was relieved, despite her boss' defeat. This didn't come from her, so she probably could keep her job, though not working with a Mellon. Which she would no longer mind, for sure.

So, Attorney Soro, how do I make this happen?"

"I have told you my client's unchanging and unchangeable terms from the very start of this proceeding today."

Godfrey Mellon broke in—"What are you doing? What are you saying? What is this about? I am your lawyer. You should be talking to me," he stated with no uncertainty

Rosalyn told him, "I'm done talking to you. You don't listen. I'm not the one with deep pockets. Your conflict is resolved! You, sir, are fired. I regret, Miss Hayes, that his downfall sucks you under as well. I remind you I did try at lunch time to prevent this happening to you. As I told you both, you left me on my own."

"Attorney Soro. My watch says you have three minutes left to be back in front of McCarver. What's left for us to agree upon?" she inquired.

Karidja was more than prepared. "We have to convince the judge that you and I agree to Myles's request of equal custody."

"And if I don't, and Linda goes to the state and I lose the Trust fund, don't I?" she asked.

"That's how I interpret it. And I have read it scores of times, ma'am," Karidja replied.

"So how does this happen?" she asked, with two minutes left to go. With a hundred thousand dollars and her daughter in the balance—not Lady Justice's scale—but the teeter-totter with the weightiest argument sitting on the ground and all the lightweight excuses perched high above, helplessly.

"The three of you live together. Full-time, shared, and equal custody, as far as the world knows. The three of you work out the daily details." The declaration stunned every person in the room.

"Where? I'm not returning to that place we had before. And Jersey is unsuitable. And I'm not paying for a new place. I worked too hard—"

Soro interrupted her, with ninety seconds to go. First, she gave Danny Hart the prearranged sign to be ready to leave and inform Judge McCarver that they were on the way. Then she said, "Mr. Lowry is in total agreement. He doesn't want to go backwards either. Two months ago, he sold that location and bought a new three-bedroom . . . one down, two up . . . duplex condo in the Manhattan neighborhood I described this morning—which we don't have time for me to resell you on right now. There will be room for his recovery and rehab, without any shared bedrooms, if I may be so affirmation-caringly blunt."

She went on. "It's paid for. His medical bills are covered. He has a pension. And you keep, in your name only, your finder's fee and you secure the education trust fund for Linda, in a Trust in her name, so her parents' health and welfare are not a detriment to it being available to her for higher education, which are the terms of the Trust, as you know from the AP Valerie McKinley wrote and you and Marie Aello signed many years ago."

Rosalyn was simultaneously taken aback by, and admirable of, just how well prepared this woman was. Mellon had been right to beware of her.

The same Mellon who now protested. "Just a goddamn minute. I'm her lawyer. I have a say in this."

"You ceased being my lawyer a few minutes ago, Godfrey," Lowry reminded him.

"So where does that leave me?" he asked the room.

And just so the lawyer understood, Danny Hart spoke up, using the 'justice language of the street' that he recently adopted from Mellon's investigative genius, Angie Flynn, herself currently drawing and reading next door with Linda Lowry, who was the real winner of the day. "It leaves the Mellons of the world not needing bail and out of jail. As Angie Flynn would say—'no Mellon felons, sir.' And that seems a very good deal. If you don't believe me, fact-check it with Miss Hayes over there. I think she will agree."

Karidja said his name and Danny knew that was his cue to go see the judge.

385

The bedside monitors were silent. Myles Lowry was resting peacefully. Two flanking women guardians were holding his hands. They felt warm and comforting. None of the three were yet aware of the drama going on just a few hundred feet down the hall.

Judge McCarver was at his table with the court recorder.

Danny Hart entered the room.

"Sir?" asked McCarver, looking at his watch. He signaled the recorder to use her transcript keyboard.

"Your Honor, may I approach to have a word, please?"

McCarver smiled at his attempt to be court-worthy. "Surely, Mr. Hart, I will recognize you as an emissary from Attorney Soro, if that is what you are at the moment."

"Yes, it is, Your Honor."

"What may I do for you then, Mr. Hart," he asked for the record.

"Attorney Soro has asked me to come and ask the court's permission for a short, five-minute extension on the current twenty-minute recess for consultation. She is printing up an agreement the parties have reached for your consideration and would like to present it to you momentarily upon your re-convening of the hearing."

"Not bad, Mr. Hart. You think of that yourself, or has the Attorney had you practicing beforehand?" asked McCarver, entertaining himself to break any tension in the room, especially over at the bedside. He noticed that both hopeful women were giving reassuring squeezes to Myles Lowry's hands.

"A little of each, I think, Your Honor," related Danny.

"Tell the Attorney to take eight minutes and use the rest rooms before returning to freshen up," the jurist told him, as he fluttered his hand to wave Hart away.

Eleven minutes later, all were in place. McCarver did not mind. He hoped he and Ramona, back in his chambers, would not need the time he left aside to contact Child Services.

He looked out at the attorneys and the principals on their couches. "What have you got for me attorneys?"

To his surprise, it was Godfrey Mellon who stood first, with Miss Hayes alongside. "Your Honor, with displeasure I must inform you that Mrs. Lowry has terminated my services. As such, I ask the court's permission to be excused for the balance of the proceedings." He gave it a moment and thought it wise to add, as Miss Hayes had suggested to him in the hallway, "I would also request that the record show our law firm was terminated prior to the agreement you are about to hear was entered into by our former client and Attorney Soro, representing Mr. Lowry."

Wondering what this was all about, McCarver simply stated, "So noted. Thank you for your time, counselor—and then, politely—and to you also, Miss Hayes."

When the door to the impromptu hearing room closed behind them, Eoin McCarver intoned, "Would you ladies care to approach or address the court from your seats? The bench is comfortable with either, including Ms. Soro, if you want to stand bedside."

Rosalyn Lowry sat on her lawyerless couch. Danny Hart on his. And Karidja Soro moved across and stood next to Myles, without disturbing the hand contact he had with Eleanor and Gabriella.

"May I, Your Honor?" asked Soro.

"Proceed, please," McCarver told her.

"Your Honor, at the beginning of this hearing, the court stipulated there were three possible outcomes to this hearing, which were to be definitively determined with no further continuances before the end of the day's calendar. These were all concerning the custody henceforth for Linda Lowry. She was either to be in the sole custody of her mother, Rosalyn Lowry; the sole custody of her father, Myles Lowry; or she was to become a ward of the state and this court would refer her to Child Services."

"That is correct," stated McCarver. It was an uncharacteristic interruption. But one he felt necessary to affirm he was still the one ruling the court.

She cleared her throat, not because she needed to do so, but to signal to Judge McCarver that something unexpected was about to occur in her presentation. "If it please the bench, Mr. and Mrs. Lowry would like to place a fourth option before the hearing for your consideration."

She stopped so that the Judge could answer without being prejudiced by the content of the option.

"Before I do such a thing, Attorney Soro, I must make sure I am clear on two points," he indicated.

"Yes, Your Honor?" she replied.

"First, I want to make sure that if I am to add another consideration for Linda Lowry's custody, it will only be if the parties agree to remove two

others. To be precise . . . this isn't horse trading, if you'll excuse the analogy, in deference to young Miss Lowry's predisposition toward *Black Beauty* . . . but rather a firm indication that the court does not wish at this time to enter into a cascading series of negotiations with the separate parties."

This did not bode well in Rosalyn Lowry's mind, nor in Danny Hart's stomach.

Karidja looked toward Rosalyn and saw she sat, looking down at the floor, in a classic, universal expression of passive aggressive human behavior. It was nothing new for the conflict resolutionist to witness. She knew once people had made a painful decision, they were hopeful not to be challenged on it to reconsider.

Karidja forged ahead, "Yes, Your Honor."

"If the court decides not to accept this new proposal, the bench will remand Linda Lowry to Child Services at the end of this hearing, with no recourse to appeal. Knowing this, do the parties still wish to submit a fourth proposal for consideration?"

Rosalyn stared ahead at nothingness as a reply.

"Yes, Your Honor. Both parties understand and agree to the stipulation," Karidya said.

The judge then indicated, "The bench wishes to be reassured, especially in light of the dismissal of counsel, that both parties are entering this consideration jointly, of their own free will, without coercion or regret."

Standing bedside, Karidja said, "I offer that assurance on behalf of my client, Mr. Myles Lowry, Your Honor."

McCarver turned his attention directly to Rosalyn, as she was seated on her couch. He was impressed that she stood up and looked at him eye-to-eye. She was indeed a formidable force. "I, Rosalyn Lowry, speaking on my own behalf, offer you that same assurance Your Honor." And then she took her seat again, folding her hands on her lap and looking over to Soro.

McCarver nodded at Karidja. The only word he said was, "Counsel?"

Reading from her single sheet of paper, Karidja Soro addressed the bench. "Your Honor, Mr. and Mrs. Lowry seek the court's decree that they share equal and simultaneous custody of their daughter, Linda Lowry, beginning with the end of this hearing. To accomplish this, Mrs. Lowry and Linda will move themselves and their possessions into Mr. Lowry's current Manhattan condominium, newly purchased outright and owned by him. When he is medically able, Mr. Lowry will join them there in residence. Mrs. Lowry will retain sole possession of a pending insurance company finder's fee being awarded to her. The higher education trust fund Mrs. Lowry was assigned by legal agreement with Maire Aello will be unencumbered and accessible only by Linda Lowry's Trustee, which will be neither of her parents, until she is twenty-one years of age, and thereafter by herself."

Eleanor and Gabriella were now sending signals to Myles by hand, involuntarily. Gaby leaned over and asked, "Myles, did you hear all that." In two blinks of an eye, she had her answer.

Judge Eoin McCarver responded in this manner. "These custody cases usually exclude the consideration of the minors involved. But since I have assured myself, as recently as this very afternoon, that Linda Lowry would find this a suitable outcome, and based on the history demonstrated by counsel, this court finds the proposed agreement acceptable. The court will finalize the agreement within a week's time, and notarized copies of the agreement will then be available within two working days from the court."

Without needing any prompting, the court recorder stood, walked over to Attorney Soro, extended her hand, and accepted the one-page statement from Karidja. She returned and handed it over to Judge McCarver.

Judge McCarver finalized the session, saying, "Thank you all for your contributions toward this outcome. This hearing is adjourned."

386

Then things started moving very rapidly. The deliberate pace of the court and working around Myles dissipated. There was hardly a moment to

waste. The three women made a call straight through to Thomas Bruce's assistant, who switched them over to the Human Resources department when they indicated why they were calling.

The two women had a little over an hour to drive back to the law offices before the end-of-business deadline. Eleanor and Gabriella rushed to Eleanor's car. Traffic was in their favor. Forty-seven minutes later they handed in the paperwork they had filled out in the hospital lunchroom at noon time. They tended their resignations in order to qualify for the promised separation packages and bonuses. With the Lowry case finished, they did not have any reason to return to work. They retrieved their personal belongings, under the watchful eyes of in-house security personnel. It was the same protocol all those others who resigned that day followed, as they turned in their keys and were escorted out of the building.

For her part, Karidja Soro was going to close out all the files for the Lowry case. They agreed to meet over the weekend at Gabriella's. As such, the attorney informed HR that she was not tending her resignation.

With that done by the designated time, Soro asked to be transferred to another line. HR switched her call back to the office of the managing director.

"Hello, Mr. Bruce. I am calling to let you know that the Lowry case is settled. The parents agreed to an amicable resolution. The mother and daughter will be moving into the father's three-bedroom Manhattan condo. The monthly lease on the apartment in Jersey will not be renewed. When the father is released from hospital and achieves separation from the assigned rehabilitation facility, he will also return to the condo. The parents will share simultaneous and equal custody of the girl." She caught her breath and listened to his questions, all self-interested and not at all mindful of the Lowry family dynamic, or its future.

"Yes, sir. That's correct. The audit, as agreed to earlier this week, was not contested. It stands unchallenged, without the inclusion of the Trust Fund value. The fiscal year-end values you assigned as of yesterday are still valid and operational. The court decision today confirmed the Trust belongs to the girl, through a non-parental Trustee until her twenty-first birthday, or until college funds are required in the interim." She waited for his clarifying inquiry. "No, sir, there was no Trustee named, just stipulated as excluding the

parents. The judge will spell that out in the notarized decision we should receive in ten days, just before the Columbus Day timetable you specified."

He fired off several questions about the working group, to which she answered. "Mrs. Quatrane and Ms. Costa are resigning with HR before five o'clock today. I am not. I will be in at the usual start time tomorrow morning to wrap up the documentation and the billing for this Lowry case, sir. By mid-afternoon, I should be ready to approach other completion tasks, so as to leave no loose ends, should I be among the employees being let go by Columbus Day, sir."

She did not ease his concerns by telling him she had no intention of even being in the country at that mid-month date. She did not want to ruin the surprise, nor steal his thunder she anticipated he thought would accompany her release.

387

While the judge and the court recorder were organizing their things at the table that had served as the judge's bench, McCarver asked her to see if she could find Danny Hart and ask him to come to see him.

"Yes, sir?" the judge heard a voice behind him as he was folding his robes up to put in his valise with his gavel and notes.

"Mr. Hart. I wanted to commend you on your efforts on behalf of Linda Lowry. Quite outstanding, I might add," the judge told him.

Somewhat modestly Danny replied, "All in a day's work, Your Honor. Miss Lowry made quick work of winning me over, sir. I found it easy to be motivated to do everything I could on her behalf. She is quite the young lady, as you know."

"Perhaps. But even more extraordinary, Mr. Hart, is the response you managed to elicit from her mother. She is not inclined to motivate people to help her. In fact, quite the opposite is true—as you know," McCarver told him.

Danny just shrugged, unsure of what the judge was getting at. He still had a recollection of Miss Hayes's sly and nasty side-glance she threw at him and Roslyn in the consultation room.

In fact, the judge did not take long to get to it. "Mr. Hart, you do know that Linda Lowry is in the building, having spent the day with Ms. Flynn. Do you not?" he asked.

"Yes, sir, I do," he said.

McCarver posed a hypothetical. "Let me ask you to wonder what you would want to do if you were a child and your father was in the same building as you, especially if he was not feeling well and that building was a hospital. Mindful, that it had been several weeks since you had seen him last."

"Of course, sir. If it would be allowed," said Danny.

"Oh, I think the hospital would be very generous about replying positively to such a request. It only seems to me to be a parental issue. And, I would hazard a guess that there is no one in quite several days' journey from here that is more likely to have her mother allow than you to bring her daughter to see her father." The judge looked at Hart quizzically. "What do you think about that, Mr. Hart?"

"Without a court order, Your Honor?" Hart kidded him in return.

"You were in my court room, such as it was, Mr. Hart. There is no longer a custodial issue involved, nor any court jurisdiction in force. I dare say if I intervened in this regard, Mrs. Lowry would be very quick to point that out to me. And she would do it gladly, you know." Eoin McCarver gathered up his valise and said, "Good luck, Mr. Hart."

388

Outside the consultation room, Linda was regaling her mother and Angie Flynn about all the things the two of them did since lunchtime. Hart approached and asked, "Mrs. Lowry? May I have a word, please?"

Judge McCarver was correct about Rosalyn finding it difficult, but not impossible, for her to allow Danny Hart to bring her daughter to see her father. But she said, "He will be tired, and we want to go home. So, please just ten minutes, Mr. Hart." And then she had a second thought. "But you go and ask her. I'll see if Ms. Flynn can be of assistance in getting us home. Wait here, please."

Danny watched as Rosalyn made her way over to Flynn and Linda. Rosalyn spoke briefly to her daughter and pointed toward him. When Linda approached him, she said to Danny, "My mother said you had a question for me. She said it was up to me to say 'yes' or 'no' and I did not have to ask her. Are you going to ask me about getting ice cream?"

"No, Linda. But I am interested in asking you if you want a different kind of treat," he told her. Flynn and Rosalyn saw them talking. When Danny was finished, Linda hugged him around the legs with one strong arm and wiped her tears away with the shirt covering her other bicep. Then they headed toward the elevator. Linda did not look back—afraid her mother might forbid the visit, if she knew what Danny had asked her.

389

Sitting on the bench in the hallway outside the consultation room, waiting for Danny and Linda to return from visiting Myles, Rosalyn asked the investigator from New Jersey, "What do you think you know, Ms. Flynn?"

Angie didn't ask her to clarify the broad, sweeping question. She just mused an answer, in bits and pieces, in a sort of sequence—as they each looked at the blank wall across the hall from where they sat together.

"You see things when investigating."

"Here's what I think I've seen and learned. Can't say I take credit for the knowing."

"No one one's perfect. You do the best you can. You take care of yourself, until it's not only you."

"No kid grows up in a vacuum. A good kid has a mom and a dad, or just a mom or just a dad, with maybe some good in them."

"You show your kid what you think is good. You keep the kid safe. You shield the kid from seeing the bad. The kid grows up."

"Kids leave home. Some come back, visit every once in a while. Some never come back."

"Then you're alone again. Or maybe you have somebody. Maybe it's the kid's other parent. Maybe they're your spouse and maybe not."

"You go back to taking care of yourself. You do good if you can."

"Then you can't take care of yourself alone. You find other people to take good care of you. Maybe it's a special person. Or they do the taking care and then they become a special person."

"Then one day, Mrs. Lowry, you die."
"Some come back to say hello."
"Some you meet somewhere that isn't here."

Rosalyn told her, "That's pretty bleak, Ms. Flynn."

"So, which is it, Mrs. Lowry," Angie asked.

"What do you mean?" replied Rosalyn.

"Is it pretty? Or is it bleak?" Angie had no more to say.

390

Linda enjoyed the weightlessness of the elevator as it climbed the few floors back to Myles's room. He had not been prepped yet for the night, nor had his meal arrived. So, the space around the bed was very accessible for

Linda and Myles. The side rails were up, but Linda could extend her hand in between the top and bottom rail to touch her father's hand.

"What happened to my dad, Mr. Hart?" she asked Danny.

"He was in a car accident. Just like your mom told you, Linda. Your mom told you the truth," he said.

"No, not that. I mean what happened to him on the inside? Like when I was stroked in the caboose, you told me my kidneys were hurt, so it took a while for me to be able to pee right," she explained.

"That's right," he answered. "Your body lost its fluid. You were dehydrated," he now understood what she was asking.

"Well, what happened in my dad's head that he is like he is?" she asked.

"Well, I can tell you how I understand it. I hope it's right and I don't make a mistake," he admitted.

Her answer knocked him off kilter. "You are always telling the truth. My mom says that's why she trusts you. And you know my mom—she doesn't trust men most of the time. So even if you get it wrong, you are saying what you think is true. And mom says that will have to be good enough—for now, anyway."

"Okay. I'll try," he waited a second, inhaled, and began. "Inside your dad's head is his brain. His brain tells the rest of his body how to do things. How to walk. How to talk. How to move his hands. How to open his eyes." He saw Linda was looking at her father and moving her hand—past his wrist and April's rubber band, up onto his forearm, as Danny explained.

"And inside his brain, there's a part that shows him what his eyes see. Kind of like his eyes are a projector and his brain part is the screen. Another part of his brain is where he remembers what he has learned about things, like what to think about, and how to express what he feels—okay so far?"

She just nodded yes.

"Well, his brain gets the energy to do those things from the blood that is going through it, pumped by his heart. Like how you can feel your blood pumping if you hold your wrist." He moved her hand and took two fingers, laying them across the inside of her father's wrist. "Feel the blood moving along in that vein you can see under his skin?"

She nodded yes, and said, "I can feel it."

In his brain, that blood leaked out of the veins. It got some parts of his brain wet and swollen—like Deirdre's face when Red punched her a few times."

"It got black and blue. She hit her really hard," Linda recalled.

"Yes. Because your dad's head got hit so hard in the car accident, the blood that was supposed to feed his brain, spilled out, but didn't leak through his skin. It stayed inside in little pools. He got a swollen face and head, and those parts of his brain that didn't get blood from the veins stopped working the right way." Danny was doing his best. And she seemed to be following. He was curious if Myles was hearing any of this explanation.

"Will he get better?" she asked. "Can he get better enough to walk and talk and read to me and play trains again?"

"I sure hope so. Two things need to happen. Those little pools of blood have to drain away and get taken away. Your dad will pee some of that away like you had to pee away the fluids that colored your pee too dark. And the veins have to heal and seal up again to bring the new blood from his heart to where it's supposed to go. It will take time. But his face isn't black and blue anymore. And his face isn't stretched out like it was. So, it looks from the outside like he is getting better. But it took more than a week. The body is slow to heal sometimes, Linda. Just like you had to rest—remember how much you had to sleep? Well, your dad has to do that too. But for longer than you needed to do it. You came home in two days. He may need two months. It's hard to tell."

"What else?" she asked.

"And then the inside will have to heal. That's not as easy. It may take longer. And some of the hurt parts may not heal. Your dad will have to learn

again to make some of those things work and do their job." He thought he was done explaining.

"Is that what the threpy is?" she asked.

It took him a moment, then he got it. "Yes, that is called 'therapy'—three parts to the word—'ther . . . a . . . pee.'" Some of that he will do here. Then he will go to another place, it's nickname is 're-hab,' and then he will do some more when he comes back home." That seemed to satisfy her.

"Miss Flynn said my dad was not talking for the judge, but that he still let everyone know what he wanted. How did he do that?" she wanted to know. "Can he do it with us now?"

Danny told her, "He could tell the judge 'yes' and 'no.' To say 'yes' he squeezed someone's hand twice or blinked his eyes twice. If it was 'no' he only squeezed or blinked once."

Linda adjusted herself closer to the head of the bed and put her hand on the side of Myles's face. "Daddy, look at me with your eyes. I want you to get better in the therapy. And when you come home I will help you with it. Tell me if that's okay with you, please."

Danny was hoping and praying. And then he was listening. Listening to an excited little girl.

"Look, Mr. Hart. My dad blinked at me twice. Oh, I'm going to be able to help him get better." She turned back to Myles. "Okay, dad. You get some sleep. Rest and get better. Go to that rehab place. And then come home. I'll be waiting for you. With my trains. And I'll read you some pages every day until you can read to me again."

She took her hand away and asked Danny. "Mr. Hart, please pick me up so I can kiss my dad on his forehead—because our ten minutes must be up by now and we have to go."

To be continued at Epilogue