

angels & ministers

Erin Shirl

The stack of Christmas cards sits on his desk, unopened. Among the countless cards from clients filled with cheery impersonal messages and pre-printed signatures, there is one that he is avoiding; and as he stares at the stack, his fingers twitch involuntarily against the arms of his chair, like this is the showdown at the O.K. Corral, and he is determined to shoot first and ask questions later.

They send him a card every year, something well-intentioned but tritely phrased, as though all their youthful camaraderie can be reduced to a few simple pleasantries, and it is always the last card he reaches for, when he can summon the courage to reach for it at all. There have been more years than he likes to admit where a fit of timidity has overtaken him at the last possible moment, and he has sentenced the card to a hasty death by paper shredder and gone on about his business.

This year he reaches for it first, but not out of anything that might be described as bravery.

“Don’t know if you remember,” it begins, in handwriting that is haphazard and uneven, with dots of ink blotting the cheap paper—he can see that the writer was hesitant to continue. “But today was Three-Prong Plan Day. Merry Christmas, man.”

He remembers. He remembers the night that the three of them hatched the whole scheme, blitzed out of their minds on the finest single-malt they could afford, a free bottle of twenty-five year old Glenlivet that Mike’s father had sent as a gift. They had poured out of their last exam—Contracts, the worst for last, naturally—at five o’clock, still mumbling to themselves about promissory estoppel and meeting of the minds, but when Mike had produced the liquor from his backpack, it was like they had been given new life. They opened the bottle on the rooftop of their ramshackle apartment building just as the sun was going down. They hadn’t slept in forty-eight hours, but they had survived that first excruciating semester of the medieval torture that was law school, and they were momentarily giddy and free.

“Here’s to the end of first semester,” Mike toasted, the dim light of the setting sun glinting through the bottle. “I propose, gentlemen, that we drink until we can’t move.”

“I accept your offer,” Gabe rumbled, and tipped the bottle back. “And now it’s too late, you can’t revoke it.”

“Be nice, or I’ll decide you’ve been unjustly enriched, my friend.”

“Enough Contracts,” he had insisted, waving his hand at his friends and scrabbling for the bottle. “At least for a few weeks now.”

“You’ve gotta admit, man, this is better than widgets,” Mike laughed.

“Five more semesters of this nonsense and then we’re free.”

They had talked about what they would do with their freedom once they had it. That was how it all started. Mike, who had an alien fondness for future interests, admitted that he had thought about estate planning, and for his own part, he had himself confessed that he had dreams of defending Constitutional rights in front of the Supreme Court, but it had been Gabe and the chip on his shoulder that had prompted them to come up with the plan. When it was his turn, Gabe had paused, taken another drink, and declared that he had come to law school to make a difference, and that was what he intended to do, briefly listing over programs from other states that helped the tired, the poor, the struggling masses yearning to breathe free.

“I’ve been doing some reading in my spare time about starting nonprofits,” Gabe had said, and the other two men had chuckled.

“Affectionately known as the hours in which you were supposed to be sleeping, right,” Mike had said, but Gabe was not to be deterred.

“I want to do that. I want to do *something*. It’s good. It’s right. It’s what justice requires,” Gabe had insisted, and they had fallen silent and let him spin out more of the details. “What is the point of us, if we’re not using what we learn here to help? Sure as hell would have helped my family,” Gabe mumbled, and he passed the bottle back over to Mike.

“The quality of mercy is not strained, is that what you mean?” Mike asked, and Gabe simply nodded.

He remembers now how he had laughed at the others then, incredulity creeping in around the edges of the words. “What do you two want, to save the world?”

“No,” Gabe had said, strikingly sober and serious. “Just a few good people.”

“Well then,” he had answered, certain in a way that only the sleep-deprived can be, “let’s do that.”

The Three-Prong Plan, as Mike jokingly called it later while trying to ward away a hangover with bottles of water and cups of coffee, was to keep their heads down and their grades up, pass the bar, and throw themselves headfirst into public service. Gabe, who had fled the business world after two years of corporate drudgery, who already had an MBA, promised to look to the business side of things. Mike, who had done enough volunteer work in college to know about these things, declared that he would handle research and funding grants. The remaining responsibilities, the task of navigating the 501(c)(3) application and networking with big name firms to throw them attorneys for *pro bono* hours, fell to him.

To commemorate the occasion of their nascent do-goodery, they had cajoled some poor passing undergrad to take a photo of the three of them standing on the steps leading up to the roof. Drunk on the future as much as the Glenlivet, they had to link their arms together to keep themselves upright. The light from the stairwell spilled down behind them, and when they had the film developed, he joked to Gabe that it made them look like avenging angels with trench-coats and topsiders in place of harps and wings. As he sees it now, they were three inebriated ideologues, trying to save a world that would probably never take any notice of them.

He remembers the day he tucked the photo away in a drawer to make room for another stack of paperwork, just one more piece of his life to file away.

He has never been able to articulate the reasons why that night was so important, why it defined their friendship the way that it did. Sometimes he thinks that maybe it was just that it was Christmas, the way the holidays make a monument out of every little mundane moment. Sometimes he thinks that it is just that the friendships that form in law school are themselves significant in a way that is special and different, because they form quickly under intense pressure. In the trenches of the law library and the classrooms during that first arduous year there is nothing but the driving beat of the drums of war, where the classrooms are the theater, the professors the heavy artillery, and friends like Mike and Gabe are brothers-in-arms. These are the people who make survival possible, this reminder of humanity in what feels like a Hobbesian fantasy, and they have none of the contrived congeniality that marks any conversation with other peers. He remembers the countless cups of coffee, the cartons of cigarettes, the nights of sleep lost, the exhilarating rush of their academic successes and the palpable ache of their personal tragedies. He remembers that there was a time when their friendship felt like the only thing that was real, the solid comfort of their shoulders pressing against his on the bleak winter morning of his father's funeral, keeping him upright when his legs would no longer do the job. They kept each other together for three years, studying, learning, living, and working on the plan. The night after they celebrated their bar scores, he told them that he was joining the firm, a betrayal in one act.

The card sits open on his desk, their signatures staring up at him in silent accusation. He leaves it there. He has a right to confront them, after all, to mount a defense for a life that most of his colleagues would consider well-lived. Hasn't he always done everything he could do for his clients? All of those years of hard work and self-sacrifice should surely constitute some kind of affirmative defense, to be able to say that maybe he has forsaken everything they swore they'd work for, but there was a reason, he was justified in his actions, or at the very least, they were necessary.

And what good has he done? He remembers the first big case, the first opportunity to be a *real* lawyer, do what he was trained to do, seven long years after he first walked into his office. The case was a products liability class action suit, one of those huge, high-profile lawsuits that win the coveted

berth on the front page of every newspaper from the *New York Times* to the little local publications, but this didn't go any farther than pre-trial motions. He spent forty-eight grueling sleepless hours writing the brief for the motion that excluded every expert witness the plaintiffs had, three research scientists armed with statistics and retrospective studies, all showing conclusively how likely it was that the defendant's product caused the plaintiffs to develop cancerous tumors. The victims were mostly children, but they weren't in the courtroom the day that the judge ruled that the expert testimony wouldn't meet *Daubert* standards. He remembers making a motion to dismiss, no causation, no case, no compensation, Your Honor, let my people go. There was no appeal. Even then, it didn't feel like a victory.

Tonight, it feels like a death sentence.

He gulps down some of the liquor in his glass and tugs open the bottom desk drawer, searching for the photo. He has his own set of accusations for them, these friends who let him do this, who were supposed to tell him not to go, that day he had explained his decision to join the firm, saying, "I can do this for a few years. It's not forever. I can build up some capital. Then we'll be good to go. Save the world and feed our families too. You'll see." They all knew exactly where this was headed. He still feels their acquiescence in the loose grip of the handshakes they exchanged. He did not have the requisite intent to commit this crime, but if he did, they were surely accomplices, and if he is to be sentenced for his fall from grace, he wants them here beside him.

The photo is not in the desk drawer. He searches the other compartments, flips vainly through the motions on his desk, considers that it might be in the boxes that he left at the old house. He is contemplating calling his ex-wife when he remembers the office memo from the year before, advising him to collect any important materials in the storage area. He remembers initialing the papers that sent the box that held the photograph to the incinerator. "There's nothing in there that might be important?" the nervous summer clerk had asked, once, twice, three times an irritation, and he had pressed the clipboard back into her hands without a word.

The only thing that mattered, the only physical reminder of days when he knew how to mark the passage of time in something other than six-minute billable increments, when he felt a part of humanity, is gone, and he is the one at fault. He has done all of this to himself. They are not the victims here, and that leaves him alone, the sole victim of his own cowardice, with the weight of this realization pushing him back into the padded leather of his office chair.

He wonders how it happened, this death of self. He feels certain he would have noticed pain, if there had been any, unless the person he was simply went to sleep and woke up somehow transformed, all unwittingly, into whatever it is that he is now. He thinks of Kafka and his cockroach and pours himself another measure of scotch. Perhaps that is what happened, he muses, watching the liquor cascade into his glass. Perhaps he bartered the last of his

own essential humanity for a good review and a corner office without even noticing its absence.

There are no mirrors here that would reflect so fundamental a change, and no time to contemplate it if there were. There is no one here to recognize the difference, to cry out in horror at the monster that has suddenly replaced the person down the hall. The others, from the lowliest junior associate to the mightiest partner, are just like him. They have all undergone the same transmutation, and no one knows.

Somebody knew, he thinks wearily, his fingers sliding over the top of the card. It takes him a moment to register the brief flicker of pain as the angry bite of a paper-cut, and he stares at the blood welling from his fingertip like it is the only thing tethering him to the planet, to a world where there are people instead of litigators, where there is literature instead of legal memoranda, where there are relaxed dinners with friends instead of the forced niceties of recruiting lunches.

He is tired of living in a world where truth is manufactured and not sought. He wonders if Gabe and Mike still believe that, if they still believe in first principles, if they can still talk about what they think the law ought to be without feeling the overwhelming futility that nothing they do will ever have any lasting effect. He's got little hope that they'll answer his questions, but the effort is all he has left. He needs to know if there is anything genuine remaining within him; he needs to know if this is merely a terrifying, temporary facade rather than a permanent, permeating metamorphosis. Either way, he knows this is the last lonely night he will spend in this office.

Cessante ratione legis, cessat et ipsa lex, he thinks, and picks up the phone.

A recent graduate of the University of Arkansas School of Law, **Erin Shirl** is a research attorney and freelance editor by day and a machine for turning coffee into works of fiction by night.