

Secrets

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Most tales written from a legal perspective are from a lawyer or a judge or some other legal guru. Maybe those individuals are deemed to be the ones with all the stories just as they are credited with most of the solutions. Why is the story seldom told from one who might know where the bodies are really buried? I tend to think the reason is because the non-lawyer's job security is so much more tenuous than a partner's. The stories originating with a non-lawyer are more easily overlooked, and if at all unflattering those stories become prime candidates to be swept under a rug. Untold stories are then buried in the memories of what some might consider the "minor players." Occasionally at the end of a career those stories come to light and begin to unfold.

In my case, I am not afraid...this story is one that should be told, and I think the reader will find it absorbing, if not sobering. This is not your typical mystery, as its outcome has an underlying lesson to reveal. This most obvious lesson is where greed can lead, but the life lesson that unfolds is one dealing with how we treat people and, even more difficult to change, how we gradually allow others to treat people. If you see yourself in an unpleasant light, that light could be the catalyst to propel you in a kinder, gentler direction.

I am an experienced, well-educated COO of a well-known law firm in the deep South, and as such I am privy to secrets from so many different law firm sources. There are the stories told by secretaries as well as those told by the attorneys. There are so many things one partner would never tell another partner, but as years passed I began to feel safe to them. I have listened to many secrets yet they have remained locked inside my head. Some will stay locked away as their telling would serve no useful purpose. Others will be told around family dinners and gatherings with friends where the stories will be entertaining, but have no potential to hurt anyone. This tale, as you will see, might have a higher purpose and maybe its telling gives us an opportunity to find positive outcomes even in tragedy.

As the end of the law firm's calendar year approached this particular year, the partners were in a frenzy. It was apparent they might not meet their budget for the first time in many years. With a brand new managing partner leading the firm, this was particularly troublesome. No partner wanted to be the one at the wheel of a ship not headed in the right direction when he knew all fingers will point to him whether he bears any real blame or not. His pride is naturally taking a beating thinking of the criticism he will be subjected to.

The rumor mill is working overtime with the reasons why we are not making our numbers. Law firm rumor mills are always active and running at full speed. There are the usual rumors about the partner approaching retirement and some have made assumptions as to why he's not working as hard. Rumors always circulate about the partners getting ready to make a move after year-end with whispers about the partner's lack of motivation to collect the outstanding balances. The most persistent rumor this year is different. There is talk that the shortfall will be largely laid on the shoulders of one of the most egotistical lawyers I have worked around. There are stories surrounding his ego that are best left for another tale, but I assure you if you knew him you would wholeheartedly agree with this description.

The story is he's having an affair with the attractive, wealthy wife of a client. Supposition is that client has just discovered the affair along with the irregularities in the law firm's invoicing. Is this an unusual story? The combination of the fraud and affair might be unusual, but there are always outlandish happenings to fuel this type of gossip.

Other lawyers seldom speak of what goes on behind closed doors—at least not unless they've had a few drinks to relax their tongues. This story has the potential to blow up before year's end, and the client will never pay the large outstanding balance the firm has been anticipating. And, of course, the firm won't pressure this client for payment as they will try to avoid a malpractice suit against them with all the accompanying negative publicity.

So this whole scenario has the unfortunate promise of not only destroying a marriage, but putting the law firm under significant financial pressure. It is always a sad state when one person has the potential to be the undoing of literally hundreds of innocent people.

Our wayward partner, Phillip, has built most of his career servicing this one wealthy banking client. The client started out as a friend and the client relationship continued to grow over the years. However, Phillip discovered many years back, he could bill his "friend" for all the non-existent secretarial overtime he wished and no one would question the bills. So, a tidy sum was easily added. To that, he gradually added other non-worked administrative overtime. On discovering how easy these deceptions were, he began to find numerous small ways to gouge the client. His original goal was strictly the dollars, but soon it became more personal as he began an affair with the client's beautiful wife. She made it easy for him by giving him every opportunity to "catch" her as she thought he provided more financial security than her current husband. His involvement with the high-maintenance wife required more expensive gifts, which in turn required more cash. Phillip settled deeper into his deception and it simply became his way of life.

Business lunches that never happened were added, although he was careful whom he included in the narrative. Phillip sometimes agonized over writing the narratives to cover up his deceptions, but he was always able to come up with the right mix. Thirty-minute conferences became ninety minutes.

Two attendees at a meeting became three, and the high billing rates further lined the firm's pockets and increased Phillip's slice of the pie. His secretary sometimes raised her eyebrows, but she would never dare question anything. Questions simply were not tolerated if you worked with or near Phillip—no matter who you were.

Phillip was famous within the law firm for his tirades. He was the epitome of unpredictable and no one wanted to be the target of any unreasonable rant so they carefully skirted any controversial situations.

I found it an unusual way to run a firm as all the attorneys treaded carefully. No one wanted to rock the boat (and least of all me). However, over time, the secretary knew exactly what was going on. And after a bit, my alarm system also began to go off. Something wasn't making sense when comparing this client's high expense charges with the attorney billable hours that had not grown at the same healthy rate. I had decided after year-end I would figure out if my suspicions were accurate—exactly what was happening with these bills?

Of course, Phillip certainly knew of his own deception, and the errant wife of the client had also discovered some of the faulty billing on her own. Even someone not immersed in the law firm environment could have begun to make some common sense deductions. So, anyone aware of Phillip's deceptions could easily have been a reasonable suspect for what eventually happened.

The fateful day was a normal law firm day. I arrived at 7 am to have a little quiet time to get a cup of coffee. I read through the fifty e-mails that had come in since I left the office last night, checked the latest firm financial information posted on the intranet, and then I left some messages of my own to see what collections were assured over these next 10 days. I was always grateful for those early morning hours that gave me a little time to focus on what's coming. Unfortunately, on this day I had no idea of the train wreck on its way, and if I had I would not have been able to change the direction my day would take.

The collections manager left a message about her expectations for monies to be received that day. A message followed from the billing supervisor, Kate, who asked me to call her as soon as I got her message. The call from the billing supervisor was unusual, and I dialed her extension as soon as I read her email. She rarely arrived this time of the morning so I was naturally curious. I gazed out the window at the dreary day—a cool, overcast day in the deep South, but at least there was no snow or ice on the horizon. The Christmas lights were evident as I looked out across our downtown skyline. Little did I know these twinkling lights were the last cheery thing I'd see today.

The billing supervisor picked up the phone on the first ring so I knew she was near the phone and waiting for my call. "What's going on?" I asked when she said good morning. She seemed very hesitant to speak (even though she was the one who had called me). Her voice was barely above a whisper. "Can I come to your office; I'd rather not have this conversation on the phone?" I told her to "come on up. I'm free for the next hour."

Shortly, I heard her clicking 3-inch heels on the marble lobby floor followed by quiet as she stepped onto the carpet leading to my office. She quietly closed the door. When someone closes your office door in a law firm that is rarely a good thing.

I don't want to have this conversation," Kate said quietly. "But I've been here a long time and I really care about this firm. I am certainly worried this conversation could lead to the end of my job, but I don't know any other way to handle my discovery. I have found some accounting irregularities that make it clear there has been fraudulent billing for many years to one of our largest clients." And here she paused to watch my face. I tried my best to keep my expression neutral, which is something I've become pretty good at doing. They don't teach this skill in school, but it can be a necessary survival technique in a law firm.

So, naturally I assured her that her job was not in jeopardy for telling the truth, although in reality I was not at all sure this was true. I thought how easy it was to simply omit certain facts if we suspect our message won't be taken well. I knew how easy it was to take defensive actions to protect our own jobs.

Nevertheless, "Go ahead," I said. "How much money are we talking about?" My first thought was a meal here and there; how much could that be? We can claim this is a mistake and credit the client with the \$1000 and go on down the road without making a ripple.

Instead she said, "As near as I can tell without further auditing, the amount is going to total over a million dollars."

I gulp. "I'm going to need more details." At some point we will have to match our expenditures with these charges, and I fear there will be nothing that matches what we charged the client!

She was still worried about her own vulnerability and told me once again she was reluctant to relate more without again being assured she would be protected. I was still not certain whom or what I am protecting her from at that point, but I had my suspicions. It was definitely someone she's afraid of which means a person with power. And if it truly was who I thought (notice how even in writing we don't spell out what we really suspect), then she was afraid not only of her job, but of the accompanying screaming and cursing that would happen if word got back that she was the one who started this whole process.

As carefully as she could, she detailed what she had uncovered thus far, as only a law firm billing manager can. They are trained to be very detail oriented and I listened patiently. The non-existent lunches, the overtime that was never worked, amounts that were inflated, the attorneys who did not really attend a meeting, a few supplies that were never actually purchased—these were the tip of the phony charges. I had to wonder if the really wealthy play by the same accounting rules as the rest of the world? Did the client ever look at these bills or were they just approved and paid by an accounting assistant?

By now it was 8 am and my phone rang. Of course, my first inclination was to ignore it (even though it might have given me time to collect my wits).

However, the caller ID revealed it was from Phillip's office and all of the winding turns in the fraudulent billing are pointing to him. I can think of no reason why I should skip this call as much as I would have liked to do so. I winced before picking it up because I know it will either be a fairly quick, non-eventful call or something will have set Phillip off. The billing manager rolled her eyes as I asked her to excuse me while I picked up this call. At the other end was a hysterical voice that I thought belonged to his secretary. I momentarily felt relief that it wasn't Phillip, but I felt panic that there was a hysterical, crying employee on the other end.

"I just arrived and signed in at my desk when I noticed Phillip's lights were on. I took a few minutes to organize my desk and look at my calendar and then walked into his office. I found Phillip slumped in his chair." I asked her if she could rouse him, thinking maybe he pulled an all-nighter and fell asleep.

She assured me she had walked over and shook him and then thought he might have had a heart attack or a stroke because he didn't move. "However, as I looked at him more closely, I could see he had been shot. There is a puddle of blood on the back of the chair." As the person responsible for the care and maintenance of this facility, I first thought about the expensive fabric of that particular chair. Shame on me!

I couldn't believe this on so many levels. She had probably contaminated evidence in his office—including picking up his office telephone. "Marie, carefully put down the phone and walk away. Don't touch anything else; come straight to my office. Don't tell anyone what you have found. I'm calling the police right now."

The billing manager's eyes grew wide as she listened to me and I quickly asked her, "I want to confirm you were talking about Phillip previously?"

She said "yes."

I responded. "You need to know Marie says Phillip is in his office; he has been shot and is unresponsive." About that time, Marie rushed into my office with tears streaming down her face and hands trembling. My first impression, knowing their relationship (or lack thereof), was that her tears were not so much from sorrow, but from fright. I immediately felt guilty for making such an assumption. We talked little, and anxiously waited for the police.

More quickly than I expected, the receptionist announced their arrival, and I headed for the lobby to meet them with Kate and Marie's shoes clicking behind me. We all walked back to my office after alerting the receptionist that no one should go past the lobby. The first thing the police asked was who discovered the body.

"I found him," Marie said. They asked Marie and me to take them to the office and instructed the receptionist that others from the crime lab would be called and would arrive within thirty minutes.

I asked Kate to wait in my office as she would probably be interviewed by the police before some others.

The receptionist was asked to request the crime lab people wait in the reception area. So everyone knew their place and the process of sorting this out began.

I immediately asked, “What do we tell employees? Can they go to their offices?” The policemen let us know they are going to put up the standard yellow crime-scene tape around Phillip and Marie’s office and work area. People would be routed around those offices. After we visited Phillip’s office with the police, I would be allowed to make an announcement.

We approached the office and I realized I wasn’t at all comfortable going in. I’d never seen a dead body outside of either a hospital bed or a funeral home setting. Phillip was still slumped in his desk chair in his expensive suit with his Hermes tie thrown over a nearby side chair. A now cold, tall Starbucks latte rested nearby with what appeared to be an unopened breakfast meal. This much-visited Starbucks was likely his last stop on his final trip to the office where he spent so much of his life. He probably saw the same crew every morning, but they would never know he was gone unless they saw an announcement in the paper. I noticed the fabric of the chair was probably ruined—not that anyone would want this chair now (no matter how expensive). I turned back to the police as I noticed droplets of blood on the carpet and on the partner’s handmade shoes.

The police asked Marie some simple questions, including what she remembered about touching items in the office. They confirmed some of the conversation from her telephone call to me. They asked us both if Phillip had any enemies. Now there was a question. I inwardly thought a better question would have been “did Phillip have anyone here who really cared about him?” Enemies—no one would ever say they were an enemy, but rather they were simply afraid of him. They were afraid of his temper, his “unreasonableness” and his ability to embarrass and humiliate others. They respected his legal acumen and his business expertise while on a personal level they simply did not like him.

The managing partner arrived at the office and the police began their visit with him. In the meantime, I walked back to my office to compose what I hoped would be a sensitive a message about his death and how he would be missed. There was only an ex-wife to call and his children who haven’t spoken to him in several years. On second thought, I decided to let the ex-wife call the children, even though I knew we would know how to locate them. Everyone involved will be happy to have the ex take over the notifications and arrangements from here. The police let me know they would make arrangements to remove the body for the autopsy as quickly as possible. And before you know it, the law firm would be back to the business of making money and the managing partner will be preparing for the onslaught of media attention.

This all seemed to happen so quickly and I thought how do you wrap up a life in the blink of an eye? I am betting Phillip had some last thoughts about what he should have done differently as he saw that gun pointed at him.

We offered counseling to anyone who felt a need and gave them a 1-800 number to call. It was very difficult to lose a colleague. This really is a firm of good people who want to do the right thing. Most would never have wished anyone real harm—although it is obvious someone did real harm. Most of the employees collectively would have wished for some changes--changes in behavior and changes in how we, as a firm, responded to inappropriate behavior. And now the time had passed to make a difference in this particular situation.

We did discover later that not one person called the 800 number. No one felt they needed counseling, which seemed telling. Wouldn't each of us hope at our death that someone was upset enough to need help to get through the grief process?

The crime-scene lab arrived and efficiently collected evidence. As with any organization, there were rumors and gradually, of course, the billing problems and ultimately the rest of the sordid truth came to light in bits and pieces. Those who already knew some of the details now felt unrestrained in what they shared with others. Perhaps if this freedom to talk about the reality of what was happening had been possible earlier, Phillip would still be sitting in his office. I could only hope we found ways to prevent one personality from becoming such a strong force again.

Intense questions began and this put a damper on firm morale, not to mention our wealthy client's reaction as he became a part of the questioning. No one could focus on any celebration of the holidays now and any attention to collections was impossible. What was to be a close year for collections had become an unattainable goal! And ultimately, the truth and half-truths spread throughout the firm as well as the local and national news, not to mention the tabloids. A million plus in fraud, a wife who grew tired of promises, a secretary who needed to hide her knowledge from others, another partner who knew more than he had revealed, a client who was betrayed. All of this sounded more and more like a movie plot to me.

The police put together some interesting puzzle pieces that were mostly related to relationships—bad relationships. In the end, those seemingly obvious clues and prime persons of interest lead nowhere and they were all cleared. Now serious questioning started for other employees and acquaintances. Some were offended to even be questioned. But we've all seen CSI and we know that sometimes those who scream the loudest and those who you least expect turn out to be those with the dark secrets and they are not so innocent.

As the police dug deeper, they uncovered an undercurrent of bitter feelings from many staff members and associates. And much of their angst centered on the behavior of Phillip. As we watched and listened to what was happening

with the investigative team, we thought they were a long way from ever figuring out what really happened.

Then a very unlikely source stepped forward. Few had looked at a different angle. Was there someone so affected by Phillip's anger they had snapped? Was he murdered because of his inflated ego or his inability to control his anger rather than his financial and moral deceptions?

The police meet an associate who was the target of his anger one too many times. The associate who knew nothing about the fraud; the fraud was just timing that postponed his confession. He knew nothing about an affair and certainly had no thoughts of blackmail. He just wanted this man who had such strong control over his life to no longer be able to exercise such control! For a period he thought he might get away with it while suspicion was deflected to others. Believe it or not, he was a gentle soul who would never let someone else take the blame and as the investigation escalated, he couldn't stand the pressure of causing others such stress.

He was so weary of being berated, humiliated and called stupid by Phillip. The associate was so beat down and burned out he wasn't thinking clearly. And although we tried to offer various confidential sources, he did not feel he had anyone to talk to about the problem. He weighed the cost and thought he would actually be happier in an orange suit, locked up with people who mostly hate lawyers, with a life regimented and compartmentalized on a day-to-day basis by those in authority. The possible anger of a prison guard was deemed to be the lesser evil when compared to the wrath of Mr. T (T for Tirade as he was labeled by younger associates).

In the end, a partner's ego and inappropriate behaviors destroyed a firm. A lack of trust permeated the firm and morale had suffered greatly. The fraud he perpetuated would have a financial impact on the firm much more so than the relationship with the client's wife. Ultimately his murder was orchestrated by someone who simply needed help coping with a miserable work life and felt he had no where to share his secret despair.

The associate's head hung low as he was handcuffed and led away from the office by a detective. This time there were more tears than when the murder was discovered and the death announced. Tears were shed that a life with such promise took such a tragic turn. And a confused, saddened group of people wondered if this firm would ever survive such a shock.

And another small group of people silently formed a tight circle--partners secretly banded together to make sure this associate was provided the best legal counsel they could find. He deserved to be heard; the public would soon know how poison can be spread through an organization with inappropriate behavior.

Bullying doesn't occur just in junior high or on the internet; bullying was the ill-concealed secret at a well-known law firm in the deep South...

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