

SEX, LIES, AND PRIVATE EYES

I'm sitting here stunned. It's not the first time a client has terminated my services, but I've never been as shaken as when Cliff Cook sacked me two minutes ago.

And you know what the most upsetting part is – I don't disagree with his decision. If I were in his place, I'd have fired me!

No, no, I'll tell you what the worst thing is – that it never had to happen. I could have headed it off many times along the way, but I didn't.

Now, sure, everything's clear as crystal, but I just couldn't see it back then. Each time I thought I was doing something to strengthen the relationship, I was actually sowing the seeds of its destruction. And now it's too late to do anything about it.

I remember the day it all began, in that conference room adjacent to Cook's office

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"Okay," said Cliff Cook, "let's get this meeting underway." He made a gesture with his hands to the several executives of Seacrest Corp. seated at the long table, who responded to their CEO with attentive expressions. "I think you all know our lawyer, Jack Lawrence, from the firm of Jenkins & Price. Jack has been handling our litigation for a number of years now, and very capably, I might add."

I acknowledged the compliment with a modest smile and a mock salute. It was true, though – I had done a lot of good work for the company. In the process, Seacrest had become my most significant client.

"Thanks for the plug, Cliff," I replied. "And this young man seated to my right is Kevin Dodge, one of our premier associates, who will be working with me on this case, his first for Seacrest."

I was, in fact, quite pleased that Kevin Dodge had been assigned to me for what promised to be an arduous assignment. We had worked together once before, representing a different client. I found him to be bright, articulate and diligent. I was also aware, although I usually didn't

notice such things, that Kevin was quite good-looking – a handsome face capped by a shock of jet black hair. I viewed him as a litigation star-in-the-making, almost certain to become a partner when his class came up for consideration in a few years.

I needed someone like Kevin to help me handle this super-charged Cliff Cook, who was a very demanding client. But I'll say this for Cook – unlike some clients, if you performed well for Cliff, there was no trouble with the fees. And so far, I was sitting pretty.

Speaking of sitting pretty, seated across the table from Kevin and me was Emma Searles, Seacrest's inside general counsel. She was a very attractive young woman – face, figure, brains, the works. Emma reminded me of a young woman I'd wooed in San Diego back in my Navy days – the one who broke my heart when she passed over this bushy-tailed Ensign for a grizzled war hero Lieutenant Commander

I had long suspected there was more going on between Cliff Cook and Emma Searles than a purely professional relationship. It wasn't simply that Cliff made sure she was present at every meeting, even if the subject was out of her bailiwick. No, it was just something about their interaction But I didn't know for sure, and Cook had a wife and family. I've never been too observant of that kind of thing. Women – such as my wife – are a lot more perceptive and intuitive. And I certainly never felt it was my place to inquire further.

Fred Grant, Seacrest's chief financial officer, began to describe the new case. Seacrest was getting ready to sue a company named Congruent, which sold a subsidiary to Seacrest a year ago. It turned out that the subsidiary's financial statements had been inflated.

At one point, Kevin broke in to ask a question. "What measure of damages are we going to be able to prove here? Can we produce a good record of how we went about valuing the deal, in order to justify a hefty multiplier effect on the disappearing earnings?"

Before Fred Grant had a chance to reply, Emma spoke up, in a warm husky voice reminiscent of Lee Remick. "Good question, Kevin. In fact, it's the key to the entire case. Let me describe what we have on this, as well as what I wish we had but can't seem to lay our hands on. . . ."

Listening to the dialogue that ensued between Emma and Kevin, I focused entirely on the substance of what was said. In retrospect, some sparks may have been flying even then, but I was too oblivious to notice it.

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I sit there in shock as Cliff Cook turns and walks out of my General Counsel's office. This isn't the way I thought things would end up – not only being tossed out of his bed but needing to dust off and circulate my resumé! I thought I could have it all – the prestige job, the power relationship, the American Express card Cliff covered every month. Talk about hubris

I remember the day that, in retrospect, it started to unwind – the day Jack Lawrence brought Kevin Dodge over to that first meeting on the Congruent case. Sure, I was attracted to Kevin – good-looking, smart, and obviously on-the-make. He reminded me a little of John Travolta in last year's hit movie, "Saturday Night Fever". But I might not have been so receptive if things had been going better with Cliff. In fact, just the previous night, he and I had done battle in his office

"Now, Emma, about this Congruent case"

"Goddamit, Cliff, forget the goddamn case. I want to talk about us. I'd like to know whether you've told your wife that you're leaving her."

"Oh come on, don't be so unreasonable"

"Me unreasonable? I tell you what's unreasonable. Spending Thanksgiving by myself last week, munching on a turkey TV-dinner, watching the Detroit Lions game – while you, Madame Cynthia and those adorable kids of yours warmed each other around the family hearth, sipping hot apple cider."

"I'm sorry about that –"

"I don't need your sympathy – I want you! And out in the open, too. This is no life for me. Whenever we're together, we're always in hiding. I'm sick of skulking around."

He patted my hand – like you'd soothe a little kid – and said, "Look, Emma, I understand your frustration. I love you very much, but it's very difficult to leave a wife of 20 years and abandon a couple of teenagers. Rest assured, though, I'm working on it – trying to get over the hump."

"Hah! – the hump that's about to be over for you is the one that's been taking place in my bed! Your reluctance to commit is driving me crazy."

And I proceeded to stomp out of his office, slamming the door behind me. I was mad as hell – not just putting on an act – although I guess it was a little over the top. But that's what's necessary in dealing with Cliff Cook, who has to be pushed hard to accomplish anything. Whatever I'd been doing up to that point hadn't worked. So when I met Kevin, I must have realized subconsciously that it was time to move to the next level.

The subconscious became conscious the evening after our first meeting. Kevin and I were alone in my office, sitting next to each other at a small round table, working on the Congruent case. I've fixed up my office with a lot of personal touches – I wouldn't call it a boudoir, but it's not your everyday stylized executive quarters.

Kevin said, "Here's the way I see the carve-out from the indemnification provision –" but I interrupted him.

"Let's take a little break from the case, Kevin. Tell me about yourself. Are you a native New Yorker? Where did you go to college? Is there a Mrs. Dodge?"

Kevin leaned back and replied to my three questions – yes, Dartmouth, and no. Then, after offering a brief autobiographical sketch, he asked me about myself. I replied in kind. It turned out we had both graduated from different law schools at the same time six years ago – in '72, the year Nixon was elected to a second term, just before Watergate moved into high gear.

"If I may be so bold to ask," said Kevin in a playful voice, "how did someone so youthful get to be general counsel of a big company like Seacrest?"

I fluttered my eyelashes and replied, "I take it that what you mean by that incredibly rude question is – who did I have to screw to get to this place?"

Kevin leaned back, put his palms on the table, and said, "I'm going to let that one pass."

I reached out and placed my hand on top of his. "As we get to know each other better, Kevin, I'll reveal all"

For just a moment, Kevin put his other hand on top of mine. With my free hand, I blew him a kiss

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Our next meeting on the Congruent case took place three days later in the Seacrest conference room. Cliff Cook wasn't there, so Fred Grant and Emma Searles were leading the discussion. As the meeting progressed, I began to get an uncomfortable feeling that something not purely professional was going on between Emma and Kevin.

For instance, I noticed that when either of them talked, the words were directed right at the other – accompanied by certain penetrating looks – which had the effect of virtually ignoring the rest of us at the table. And their discourse was sprinkled with shared references and double entendres – the kind of thing you weren't used to hearing in a conference room.

At one point, for example, in trying to underline the distinction between whether Congruent's misstatements had been intentionally fraudulent or just negligent, Kevin quipped, "It's like the difference between rape and everyday intercourse." Emma replied, without missing a beat, "Sometimes, it's not so easy to tell the difference" – to which Kevin winked and said, "Touché."

I, of course, promptly retreated into my traditional turtle mode – trying to ignore the byplay, or at least to explain it away. Assuming I was correct in my suspicion that Emma and Cliff Cook were romantically linked, it would be disastrous for Jenkins & Price if the client were to catch a J&P associate trying to cut in on the CEO's girl – to say nothing of the ethical implications. So, notwithstanding the visible evidence, I went into denial.

That is, until a few days later. I had an early morning flight to catch and I wanted to speak to Kevin before I got on the plane. So at 6:30 a.m. I put in a call to his home number. It was answered on the third ring by a sleepy female voice with a familiar sound. "Yes?"

"May I please speak to Kevin?"

I then heard the same voice, but now turned away from the mouthpiece, say, "Oh shit, Kevin, wake up. I thought I was home and picked up your line by mistake. Someone wants you – I think it may be Jack. I'm putting the phone on the pillow."

This time, there was no mistaking the husky tones of Emma Searles. . . .

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Well, after my stupid mistake that morning with Kevin's phone, I realized Jack Lawrence probably knew what was up, which raised the question – was he likely to run to Cliff with the salacious news? I seriously doubted it. Jack didn't seem like that kind of guy – and the risk was minimized because the other offending party was one of his own associates!

But then I remember thinking, hey, do I really care whether Cliff finds out about me and Kevin? Or, to take matters a step further, do I affirmatively want Cliff to know? I'm so mad at him. He just takes me for granted. Nothing I've said or done so far has shaken him up enough to leave his wife – maybe it'll take a little dose of paramour cuckolding to do the trick.

It's not that I didn't realize this was risky business. But I guess I was cocky – everything in my life up to that point had been a piece of cake. And besides, this guy Kevin really turned me on, in a way that Cliff never had – although he lacked Cliff's stature and bankbook. Maybe Kevin wasn't my long-term cup of tea, but now that I'd started in with him, I wasn't prepared to give him up so abruptly – he really suited my purposes just then. So, I decided to play it out and see where things would go

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When I returned the next day from that business trip, I summoned Kevin Dodge into my office. "Look, Kevin," I said, "I don't like to interfere in the personal lives of my associates, but I can't continue to

turn a blind eye here. I'm too worried about what it might mean to the firm. I'm going to ask you a few questions, and I want you to be absolutely straight with me. "

Kevin, seated in a chair across the desk from me, had a look of concern – but hardly panic – on his face.

I decided to start out in a formal mode, akin to the tone of a judicial opinion. "Based on the following facts – my hearing, at 6:30 a.m., a voice on your home phone that I recognized as belonging to Emma Searles; that voice calling out your name; and her remark about leaving the phone on the pillow – I've come to the conclusion that you're having an intimate relationship with Emma. Am I right?

"You're right," replied Kevin evenly.

"Am I also correct in my long-held suspicion that Emma is Cliff Cook's mistress?"

"Well, the term you're using is a little old-fashioned, but if you're asking whether they've been engaged in a long-term affair, then – at least according to what Emma has told me – you're correct."

"And I take it that Cook doesn't yet know about you and Emma?"

"As far as I know, he doesn't."

I stood up to give my next words added emphasis. "Well then, you've simply got to break this off with Emma, before you endanger the firm's relations with Seacrest. If Cook were to find out about it, he'd be mad as hell at us – and rightly so. In fact, he'd likely show us the door. And I've worked too hard to get to where we are with Seacrest – I'm not about to let that happen."

Kevin paused before replying. He had obviously anticipated this confrontation and prepared himself for it – as I'd expect a good lawyer to do.

"Jack, I hear what you're saying, I understand your concern, and I consider it entirely appropriate for you to bring up this subject. Here's the thing, though. As far as I'm concerned, I'd be willing to end this relation-

ship with Emma. She's a tantalizing woman, that's for sure, but I'm not taking it too seriously – and, without being immodest, in my present circumstances there are plenty of other fish in the sea. Hey, when I saw *Annie Hall* last year, I decided I wanted to meet Diane Keaton Still, there's a downside to my breaking this off, which you ought to be aware of."

"What's that?" I snapped, immediately suspicious of Kevin's motives.

"Emma is more into our fling than I am. I'd like to think that's because she considers me a great lover, but I'm pretty sure there's another reason. She's really mad at Cliff Cook, who has refused to leave his wife for her. I suspect she's using me to get back at him. But either way, it comes down to the same thing. If I break off with her abruptly, and for no discernible reason, she might speculate that our firm is pulling the strings. She could then get mad as hell at Jenkins & Price. And this woman wields a lot of power at Seacrest. She could get us fired just like that" – and here he snapped his fingers – "without ever telling Cook what the real reason is."

I had to admit that Kevin had a point, although by no means a conclusive one. "So what are you saying?"

"That we've got a better chance of staying on as Seacrest's counsel if I keep the affair with Emma lukewarm for now and then gradually extricate myself – which I'm willing to do."

"Yeah, right, it's tough work, but someone has to do it But I'm still worried that Cook will find out."

"Don't worry, I'll be discreet."

But it wasn't Kevin's discretion I was worried about – it was Emma's. Especially if she were trying to get back at Cook

I was still not convinced this was the right course to take, but I knew I wasn't too good at this kind of stuff. So I gave Kevin the benefit of the doubt, while emphasizing to him the need for discretion.

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Watching Kevin at an all hands meeting at Seacrest a few days later, I really couldn't fault him on that score. But as for Emma – she was

something else entirely. Even though Cliff Cook was right there in the room, Emma managed to do something provocative whenever he was distracted for a moment. At one point, for instance, she slid a sheet of paper across to Kevin which I could see contained doodles of hearts. When they passed by each other at the coffee machine, she patted Kevin on the rear end.

I don't think Cook noticed any of this. But I realized that as the case moved forward, and with Emma being so daring – almost as if she wanted to get caught in the act – it would only be a matter of time before Cliff woke up to what was going on.

The situation now called for more drastic steps. I had an idea, and later that day called Kevin into my office.

"I know, I know. . ." said Kevin before I could even open my mouth.

"Look, Kevin, after that scene this morning – which I concede was not your fault – I've decided to replace you on the Congruent case with Jill Marsh. If you feel the need to keep your affair with Emma lukewarm during the phase-out period, then do so – but strictly on an outside-the-office basis. Cliff Cook is much less likely to catch on if the two of you aren't playing grab-ass in his conference room."

Kevin pondered this for a moment. "Well, I'll admit it was getting uncomfortable for me in there, so I'm okay with your idea – provided it doesn't look like I'm getting fired from the job."

I had anticipated this reaction on his part and was prepared to deal with it. "That's fair enough. I'll say to Cliff and Emma that a client of the firm you've been servicing for several years just got sued on a deal you know a lot about. In view of your past knowledge, the client specifically requested your services. You're not yet so deep into the Congruent case – although, I'll try to resist adding, apparently quite deep into something else. . . . So, we're replacing you on the Congruent team. To make it more palatable to them, we won't charge Seacrest for the time you've put in on the case up to now, nor for the time necessary to bring Jill up to speed."

Kevin nodded his head in approval. "That's pretty ingenious. But I'd like to try it out on Emma first before you announce it publicly."

"Negative on your last," I replied, lapsing back into some old Navy jargon. "I don't want her to say 'no,' at which point we'd be proceeding over her objection. It's better to present them with a *fait accompli*."

I didn't realize it then, but the real genesis of my Seacrest problem was cooking up that false story about some other client requiring Kevin's services. It seemed innocent enough at the time – just a little professional lubricant to make things go down smoother. But I couldn't tell that same story to Jill Marsh, or to anyone else at the firm for that matter, because they would know there was no such other client. So, later that day in my office, when I told Jill she was going to be working on the Congruent case, I had to come up with a different bogus explanation.

"Look, Jill, let me be perfectly candid." (I didn't warn her that when somebody begins that way, watch out!) "I sense a certain chemistry problem between Kevin and the Seacrest people, which will only get worse as time goes by. Although they haven't met you, I'm sure you'll be a much better fit. But I can't really say that to Seacrest – and I don't want to embarrass Kevin by making it seem he's being ousted. So I'm going to tell them a little white lie about Kevin's services being required for one of his long-term clients. Are you okay with that?"

"No problem," said Jill, who seemed pleased at getting involved in a major case and uninterested in the cover story.

So that's the way I played it the next day at Seacrest's office. Cliff and Emma registered some surprise. But with Jill sitting right there, basking in my enthusiastic description of her skills – and in light of the "no charge" fee adjustment I proffered with some flair – there wasn't much they could say on the spot.

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The news that Jenkins & Price had taken Kevin off the Congruent case really caught me by surprise. So, I didn't react to Jack during the meeting, but my mind went to work on the situation later that same morning.

Once the initial shock wore off, I was mad as hell at Kevin for not warning me about what was happening.. Given our intimacy, you'd think he would have – but then, as I pondered it further, I realized that Jack may have put him under wraps. And I began to wonder whether that "other

client" story was true or just an excuse Jack used to get Kevin off the case. The timing was simply too convenient – and I did see the disapproving look on Jack's face when I was flirting with Kevin in the conference room

I realized I was going to miss having Kevin around the office. The heart doodles, the pat on his ass – I knew what I was doing. And I did want Cliff to notice that something was up – just enough to make him jealous and uneasy, but without him knowing that anything serious was taking place.

There was another thing that gnawed at me. The Congruent case gave Kevin and me a great excuse to be together – not only in public, but privately too, and late at night in my office. If Cliff had stumbled upon the two of us, I had a built-in excuse for Kevin's presence.

And then my mind went into high gear, along these lines. We don't have to stand for this; we're a major Jenkins & Price client; we had Kevin first – let's fight to get him back. Since Jack knew I had a "special interest" in the matter, it would be stronger if the "we want Kevin back" plea came from Cliff. I figured I could arrange that without him becoming unduly suspicious

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A few days later, Cliff Cook called to say he was coming over to my office – an occurrence that was unusual enough to cause some trepidation on my part.

When Cliff arrived, he skipped any small talk. "Let me get right to the point, Jack. Emma and I are unhappy that you took Kevin Dodge off the Congruent case. Jill Marsh is affable enough and I'm sure she's a competent lawyer, but we both feel that Kevin is a lot more capable than she is. He's a very special guy, we had him first, and we want him back."

This presented me with a real problem. Still, I had to smile inwardly at the irony of Cliff Cook pleading for the return to duty of the young man who was banging his girlfriend! The good news was that, at least to that point, Cliff had no idea something was up between Emma and Kevin.

"I'll see what I can do, Cliff, although I think I'm powerless in this instance – it was a Jenkins & Price decision. But listen, Jill Marsh is a

very good associate – just be patient for a week or so while she gets up to speed. And I promise you I'll spend more of my own time on the case than ever before."

Cliff seemed somewhat assuaged by this. But then, just as he appeared ready to leave, he said, "Jack, there's something else I want to talk to you about – a personal problem unrelated to the Congruent case."

When I heard that – even though Cliff made it seem like a casual afterthought – I realized that what I was about to hear was the real reason for his visit to my office.

"Jack, I know we've never talked about this subject, but by now you've probably figured out that Emma and I have been engaged in a long-term intimate relationship."

My guard immediately went up. This was the last subject I wanted to be discussing with Cook. I murmured something unintelligible in reply, which neither confirmed nor denied my knowledge.

He went on. "Even though I'm happily married and at heart a family man, my relation with Emma has assumed a very important role in my life – one that I find immensely satisfying. But lately, Emma has been different. In the past, she was always available to me, but now she sometimes claims she's busy. I'll spare you the gory details, but the sex – which was incomparable – just isn't the same. She's become testy and irritable, mainly on the issue of me leaving my wife – even though Emma has been well aware I'd never do that while my kids were still in their early teens. In short, I have a hunch she's seeing someone else on the side."

Oh my God, I thought – and then wondered, why is he telling me this? I made a real effort to keep my facial expression as neutral as possible – I didn't want an inadvertent glimmer to betray my state of knowledge.

"Jack, I need to find out what's going on. You're my most trusted advisor. I want you to hire a private detective to observe Emma's every move over the next two weeks. I'm determined to get to the bottom of this. But, needless to say, Emma can't have any idea what's happening. And should she suspect something is up, I don't want my fingerprints to appear. Got it? Okay, go to work."

With that – and before I could respond – Cliff rose from his chair and strode out of my office.

After he left, I sat there in shock – musing about what to do next. I knew I had to hire the private eye – that was a direct order from the client. But how about *before* that? What I really wanted to do was tell Kevin about the detective, have him tell Emma, and then have them cool it while Sam Spade went about his thing. But Cliff had been insistent that Emma *not* know about this – I couldn't violate that direct dictate of confidentiality.

Still, I reasoned – or perhaps, in retrospect, "rationalized" is a more appropriate term – that this didn't mean I couldn't tell Kevin about it, as long as I extracted a promise from him that he wouldn't pass the word along to Emma. My justification was that Cliff hadn't said anything specific about *that* – a justification which conveniently overlooked the fact that Cook had no idea I knew the identity of Emma's playmate. I did wonder, though, whether I could rely on Kevin not to tell Emma, since he wasn't the one Cook put that burden on – I was.

But even assuming Kevin would preserve the secret – for which I planned to extract his solemn vow – I questioned whether he would be able to induce Emma to cool it for the duration of the detective's investigation. She was obviously a very determined woman. Then I hit upon a scheme – a pretty clever one, it seemed at the time, although I can see now how it caused me to plunge deeper into the morass.

I broached my plan to Kevin later that afternoon in my office. "I had a visit from Cliff Cook today. The bad news is that he knows something is up with Emma, because he asked me to hire a private detective to tail her for the next few weeks. So, obviously, you two have to cool it during that time. The good news is that he obviously doesn't suspect you're the problem, because he asked me to bring you back onto the Congruent case. I'm going to tell him that's impossible, but we've still got the detective problem. And you can't say anything about that to Emma, because Cliff was very insistent that this not get back to her. I want you to promise me that you won't tell her."

Kevin thought for a moment before replying. "I promise – but if I can't tell her, what will I say is the reason we have to cool it?"

"I've thought about that, and here's my idea. I'm going to send you to England for a fortnight, as they say. Get you the hell out of here. That way, there'll be nothing for the detective to discover."

"But what do I say to Emma?"

"Well, she thinks you left the Congruent case to work for another Jenkins & Price client. So just tell her you have to go to London to depose or interview some key witnesses in that other case."

"I guess that'll work But what are you going to do about Cliff wanting me to come back on Congruent?"

"I'll just tell him I tried my damndest but can't extricate you from that other case. But I'm not going to say anything to him about your going to London – there's no need for him to know that."

"What will I do over there?"

"I've considered that. You might as well be productive. For a while now, Jenkins & Price has been secretly considering opening a London office to service some of our multinational clients. I'm one of the partners in charge of the project. We haven't made a final decision yet – especially in view of the weakness of the dollar against the pound – but while you're over there, you could scout out possible locations. Since we're still undecided, though, we don't want our associates to know we're even thinking about a London office. So you can't tell anyone what you're doing over there. Just leave town – don't talk about it. Let them think you're on vacation."

"What if someone – like, for instance, another client – asks my secretary about my whereabouts?"

"Just tell her to say, 'He's out of town' – with no elaboration. Maybe they'll think you went to Turnberry." I don't know if Kevin got the reference – it was the place where Tom Watson beat Jack Nicklaus by one stroke in last year's British Open.

Kevin didn't look pleased with the imminent deception. No doubt I should have been more bothered by it myself, but – I hate to admit this – I was so wound up in the scheme that I almost felt a sense of exhilaration. I was really on a roll, with three or four fabrications working at different levels. And I wasn't through yet.

"Now Kevin, you have to tell Emma not to phone you over there – and you can't call her, either at her home or her office, since the detective will probably be tapping those lines."

"What will I tell her is the reason we can't talk on the phone?"

"You have to figure that out, but remember, you can't mention the private eye. Try blaming it on yourself – maybe something to do with the other case you're working on, a fear that your adversary may be investigating *you*"

I never really resolved all the loose ends here. After Kevin left my office, I recall sitting there very much alone. The temporary sense of exhilaration had passed, and all I could see was how much deeper and deeper I was sinking into this quagmire. *What a tangled web we weave, when first we practice to deceive* Worse still, I couldn't avoid some nagging ethical questions, such as whether I was violating an obligation to my client by impeding the detective's investigation.

I was reminded of the situation I faced last year representing Alan Carter in that stock fraud case, when all of a sudden I awoke to the realization that Will Wilson's crucial testimony on Carter's behalf had probably been purchased by the client. I dithered around back then, but ultimately did nothing about it. That was bad enough. But there's a big difference between that kind of passive nonfeasance – after all, I didn't knowingly sponsor Wilson's false testimony – and the active malfeasance I had gotten myself involved in here. Or is one just an inevitable step up the ladder from the other . . . ?

My ruminations were broken by a call I needed to take on another matter. What the hell, I thought as I picked up the phone, the next move is to hire the detective. He certainly should be competent, but he needn't be, shall we say, world-class

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Life became really boring for me with Kevin over in London, and not even communicating by phone. I missed him – and I also missed the opportunity to put some more pressure on Cliff. Since I'm an activist by nature, I realized I had to do something about the situation. . . .

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The next few days were relatively quiet. The private detective I'd hired was on the job, but with Kevin in London and staying out of touch with Emma, there was nothing for him to discover. It began to look like I'd dodged the bullet.

That temporary state of euphoria was shattered the next afternoon, at a meeting with the Seacrest people. Cliff was there, but not Emma. "Will Emma be joining us?" I asked him.

"Oh, Emma left town last evening. She had to make a trip to London to put out a fire at our subsidiary over there."

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It was, in retrospect, sort of delicious. The flight over was okay, although I wish I could have traveled on the Concorde that made its first trans-Atlantic crossing not too long ago. When I got to London the next morning, Kevin had gone out to have breakfast. I told the desk clerk at Kevin's hotel that I was his wife, slipping into town to surprise him on his birthday, and got the clerk to let me in to Kevin's room.

At the airport, I had bought a large towel decorated with the British flag. I took off my clothes, wrapped myself in the towel, and lay down on the bed. When Kevin opened the door, I began to sing, "There'll always be an England," as I slowly unfurled the flag

I'm sure he was glad to see me. He did seem concerned, though, that if and when Jack found out I'd crossed the pond, the partner might think his associate cooked up the whole rendezvous. I let him stew over that for a few minutes and then steered him in the direction of more important things

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When I got back to the office, I called Kevin in London to tell him Emma was on her way. "I'm aware of that," he said, "In fact, she showed up to surprise me this morning. But I want you to know, Jack, I had nothing to do with this – it was strictly Emma's idea."

I didn't know whether to believe him or not. Maybe that was because I'd been lying so much myself – it tends to have a disabling effect

on your own credibility detector. At any rate, there wasn't much I could do about it at this point, and the two of them were unlikely to be discovered.

But later that day, I got a call from the detective. "So far," he said, "I've come up with nothing. But Miss Searles has just taken a trip to London that struck me as a little sudden. That kind of thing always makes me suspicious. Am I authorized to go over to England to follow up my instincts?"

What a spot this put me in! I didn't want to tell him to go, since he would undoubtedly catch the two of them canoodling. I didn't want to tell him *not* to go, since that smacked of impeding his investigation. I realized I couldn't decide this question – I had to get Cliff Cook involved. I told the detective I'd call him back.

I picked up the phone, called Cook, and repeated to him what the detective said. "What do you think, Cliff? Obviously, there'll be some added expense if we authorize him to go."

Cliff thought for a moment before replying. "Hmm. . . I suppose it's possible she's fooling around over there. That trouble at our subsidiary did seem to come out of nowhere But she doesn't have any friends in London that I'm aware of I don't know, Jack. You're my trusted advisor – what do *you* think?"

It was a tough moment for me, but I handled it the only way that seemed feasible at the time. "Well, Cliff, I'm your advisor on litigation matters – not matters of the heart. I think you'll have to make the call on this one."

"Okay," said Cliff. "Since she'll only be gone a few days, tell the detective not to bother. But I'll find out what plane she's coming back on, and you get word to him to check the airport to see if she's flying alone. Then he can resume his coverage back here."

I breathed a sigh of relief. Still, I felt a funny feeling in the pit of my stomach. Had I done the right thing by my client?

Around noon the next day, I got a call from Cliff Cook. His voice had a sharper tone than usual. "Jack," he said, "I need to talk to Kevin Dodge about a matter that came up in the early days of the Congruent case, when he was still on our team. It involves something the other side said that

I can't quite remember, but it's important – and Kevin, who was there, would probably recall the details. How do I get in touch with him? I called his secretary who said he's out of town – but then she clammed up."

I promptly lied and said I wasn't sure where Kevin was, but I'd find him and have him get in touch with Cliff. But Cook's request, coming out of the blue, made me uneasy – although not nearly as uneasy as I felt when, just before hanging up, Cliff said, "Oh, by the way, Jack, I've rethought the subject. Have the detective make a quick trip to London. Emma is staying at the Dorchester. So long."

Kaboom! I sat there trying to figure out just how much Cliff knew or surmised, and what to do about it. A few minutes later, the answer appeared at my office door in the person of Jill Marsh.

"Jack, I just wanted to fill you in on something that happened this morning in my meeting with Cliff Cook. Everything about the case itself was fine, but something else struck me as possibly troublesome. At one point, Kevin's name came up. I happened to mention that he was over in London. Cliff seemed extremely interested in the news and ended the meeting a short time later – a little prematurely, it seemed I hope I didn't do anything wrong."

I thanked Jill for her report and provided the necessary reassurance. She left my office. It was now clear – especially with the reversal of his decision on the detective – that Cliff had a strong hunch what was going on. And not only in terms of Emma and Kevin – by now he was undoubtedly suspicious of my role in this as well. It would only be natural for Cliff to assume that when he told me Emma was on her way to London, I must have known Kevin was over there. The time had come for me to reevaluate the situation.

I saw then, for the first time and with harsh clarity, that in order to hang on to this prized client, I had gotten deeper and deeper into a tangled web of deception. And I realized that this is what happens with lies – they breed other lies, and then you begin to tell one thing to one person and something else to another. It becomes tough to keep track of just where you're at.

Not only that, but if you're in a position of relative power – like I was as a partner – you often recruit other people to lie for you in order to

perpetuate the deception. I had done that with my associates. Kevin was forced to tell Emma he'd been preempted by a non-existent client, who had sent him to take imaginary depositions in London, where he couldn't phone Emma because of nefarious fictional adversaries trying to pin something on him. Even the innocent Jill Marsh had been put in the position of having to support the tale of Kevin's invented long-term client.

Now, that much is true for anyone who lies. For a lawyer, though, it's much worse. I'd found myself rooting for the detective to give an "all clear" – to be able to transmit to Cook a report that no boyfriend existed – when I knew damn well there *was* a boyfriend. And the boyfriend was my own associate! Is that good client service? Is that a satisfactory measure of loyalty? The questions seemed almost rhetorical. I could just imagine how our ethics guru, Dwight Bentley – whom I understand is not in very good shape nowadays – would respond to them.

So, I decided I had to put an end to this travesty. I could no longer impede the way things played out. But what I quickly learned was that it's not so easy to extricate yourself from a situation like this without having it appear you've been dissembling from the outset – especially when you have been! To keep that from happening, it often takes a few more lies to unravel the knot.

Here's the way my mind was working that day. I realized I was under no compulsion to protect Kevin and Emma from the consequences of their actions. The only guy I had to look out for was myself – and, by extrapolation, my firm, Jenkins & Price. In short, I was now willing for Cliff to find out that Kevin and Emma were having a fling, as long as this information didn't jeopardize the firm's relationship with Seacrest.

So then I thought about what I'd say to Cliff if I were really to come clean. The *mea culpa* would have to go something like this:

– I knew very early on that Kevin and Emma were lovers.

When you told me you suspected Emma was having an affair, I withheld my knowledge that she was.

– The detective I hired for you wasn't the best available.

When I took Kevin off the Congruent case, I lied to you about another client requiring his services.

I dispatched Kevin to England to cool things down, so that the detective wouldn't discover their affair.

I didn't advise you to send the detective to London, even though I knew that Emma was over there with Kevin.

– When you asked me where Kevin was, I lied and said I didn't know.

What the hell, I just couldn't do it! I'd look terrible – disloyal to the core. So, the question then became, what *can* I do? I had to follow Cliff's order and send the detective to London. But I didn't have to warn Kevin the detective was on the way – in which case, presumably, he and Emma would be caught in the act. Most important, I had to let Cook know what was going on.

Cliff himself happened to be out of town that day. Knowing this – and not wanting to get into a telephone discussion with him on the subject – I sent a note over to his office by messenger, in an envelope marked "personal". The note read:

"Cliff, to update you, I phoned the detective and told him to get on the next plane to London, to check out Emma at the Dorchester. Then, when I inquired at the firm, I found out that Kevin is also in London. I'm pretty dumb about these things, but the thought has occurred to me that maybe Kevin and Emma are there together. So I reached the detective before he left and told him to also check out Kevin at the Savoy, and to focus on whether the two of them were spending time with each other. If it turns out my suspicions are true, I'll be mortified. In that event, I apologize fervently to you, both on a personal basis and on behalf of the firm. The problem is, we can't always control our associates all the time"

Well, to make a long story short, the detective crossed the pond, and caught Kevin and Emma together in clearly compromising circumstances. He reported his finding back to me by phone. I waited until I knew Cliff was again out of the office and then passed the news along to him via another personal note *cum* apology.

* * *

You know, I had a funny feeling Kevin and I were being watched in London. Sure enough, the morning after I got back in town, Cliff came into my office. He barely greeted me, and when he spoke, his voice was very cold.

"I'll come right to the point, Emma. In recent days, I've suspected you of fooling around with someone else, but I didn't know who. I had Jack Lawrence hire a private detective, who tracked you to London. He saw you in an unambiguous embrace with Kevin Dodge."

I tried to be flip about it. "Gotcha!" I said.

"Is that all you have to say?"

"No, it's not, I would also like to state for the record that I can't believe I ever gave my heart to a sick bastard who had the nerve to put a detective on my tail."

Well, it just went downhill from there. I not only admitted the affair with Kevin – I actually went into some detail about the whole thing and how it evolved. I explained how frustrated I'd been by Cliff's reluctance to leave his wife, and that this kind of thing can happen when a woman is resentful. But then my tone changed, and I told him I was prepared to end things with Kevin. I sang a few bars of the Billy Joel song, "Just the Way You Are," to show Cliff I wasn't trying to change him. I even fluttered my eyelashes as an invitation to set things right.

That sort of thing has almost always worked for me in the past, so, I really wasn't prepared for Cliff's response. But I realize now that affairs of the heart – or, for that matter, of the lower organs – are in some ways like telling lies. You get yourself in deeper and deeper, things get out of hand, and you can never predict where it'll all end up

Cliff's final words came as he turned to leave my office. "I understand your frustration, Emma, although I believe I've been forthright with you from the start – I'm not leaving my wife while my kids are still teenagers. You might give up Kevin, but this kind of affair could be repeated, and I can't handle any more Kevins. So, as of right now, our personal relationship is at an end. And by the way, Emma, you're fired. Arthur Greene, a partner from the Sampson firm, has agreed to come aboard as general counsel, effective immediately. You've got 30 minutes to clear out your things."

* * *

Cliff Cook came to my office today. We hadn't spoken since I'd sent my two notes to him. He didn't bother to sit down or even take off his overcoat.

"Just so you know, Jack, I've spoken to Emma and told her I had her tailed by a private detective, who spotted her in London going at it with Kevin Dodge. She admitted their affair. In retrospect, I think she almost wanted me to find out about it – to make me jealous enough to leave my wife."

I started to say something, but Cliff waved me off. "She also told me that you knew about their relationship early on – that this was why you took Kevin off the Congruent case and later sent him to London."

Dammit, I thought, Kevin must have said something to Emma. You just can't control other people

"So, Jack, what it comes down to is that you've been lying to me all along. Listen, if you'd told me the truth at an early stage, I wouldn't have blamed you or your firm, because Emma was the person primarily at fault here. Kevin was just a convenient tool for her to use for her own purposes. Hell, even at the end I might even have forgiven you as a stand-up guy, if you'd come clean and told me the whole sordid tale.

"But lying to me, and then not telling the whole truth when you switched gears – that's no basis for a lawyer-client relationship. How can I trust the guy who's been deceiving me? As of now, Seacrest's professional relationship with Jenkins & Price is finished. I've already switched the Congruent case over to the Sampson firm – send them the files." And he turned on his heel and departed my office.

* * *

So that's where things stand – although it's not quite the end of the tale. An hour has passed since Cliff left, and I'm still sitting in my office ruminating. What's got me worried now is the story I'm going to tell my partners about why the firm got bounced off the Congruent case – especially since I made such a big deal about it when we got hired.

I hate the idea of lying to my colleagues, but Cliff's diatribe about my personal conduct being the basis for him firing the firm would not go over well in the councils of the partnership. I can just visualize it being used against me when the subject of partner compensation comes up later this year. So, if I'm reluctant to tell my partners the truth, what else can I say to them?

One possibility is to blame our dismissal directly on Kevin Dodge, for porking the client's girlfriend. When Cook found out, I could say, he was so furious that he took it out on Jenkins & Price.

Of course, that will be tough on Kevin. In fact, he's likely to be fired. Even if he stays on, his chances of making partner – with this black mark against him – are nil.

Under this scenario, I guess I'd have to compound things by lying that I didn't know anything was going on between Emma and Kevin – that I only found out about it too late to save the client relationship. Otherwise, the question will inevitably be asked – if I did know, why didn't I do something about it?

But do I want to get involved in another round of lies, especially to my partners? And by the way, I'd be at some risk of being caught in the act. For instance, Cook might relate the real story to one of my young litigation partners – he knows a few of them pretty well.

Kevin is more of a danger, especially if he becomes angry over being fired. He might never find out exactly why Seacrest terminated the firm – although if he stays intimate with Emma, she could easily tell him. But even without that, Kevin knows I've been aware of his affair with Emma all along, so he could refute my protestations of innocence.

That's why I'm sitting here now in a real dilemma, uncertain of the best path for me to take. . . .

My secretary buzzes to say that Emma Searles is in the firm reception area and would like to see me. I'm obviously intrigued and invite her in.

Emma settles herself in an armchair, crosses her legs to reveal a bit of shapely thigh, and states her business.

"Jack, my sources at the company tell me you've been scolded by Cook and your firm has been bounced as Seacrest's counsel. You may not be aware of this, but I too have been scolded by Cliff – and then not only bounced out of his bed, but also out of my job. So, it seems we have something in common."

I nod but don't interrupt her.

"Although we haven't conversed much directly, I feel I know you pretty well through our mutual acquaintances, Cliff and Kevin. And it occurs to me that we're really not very different people. I cheated, you lied – it's all pretty much the same thing."

Actually, I'm thinking, what I did was a lot more reprehensible than what she did – so I take her correlation as a back-handed compliment.

Emma continues. "I'm a damn good lawyer, as I think you're aware, but I've come to the conclusion that I wasn't cut out for corporate life. So I've decided to relocate to one of the good law firms in town. Jenkins & Price is the firm I know best, think the most of, and could do more good for than any other. And so, Jack, I've decided to ask you for a job. I could come in as a senior associate, and if I proved myself capable, be eligible for partnership in a year or two."

I wasn't expecting this, so I don't answer right away. A lot of thoughts flash through my mind in the next few moments. I have no questions about Emma's competence, but based on recent experience, her judgment is certainly suspect. More to the point, though, and assuming she and Kevin are still an item, I'm concerned what impact her arrival on the scene will have on whatever spin I decide to put on the reason for our dismissal as Seacrest's counsel.

Emma smiles. "I think I can guess some of the things going through your mind, Jack. Such as, can she be relied upon – this babe who pats guys on the ass and fabricates a tale to justify going over to London on the company dollar. Look, I can't justify the past and won't try to – but I have learned my lesson, my former hubris is virtually defunct, and I'm ready to give my all in this new job at J&P."

I nod in acknowledgement, but I think she can see there's something else on my mind – this woman is *very* smart – which she now proceeds to address.

"And Jack, there is one respect in which I can be extremely helpful to you. I'm sure you must be wrestling with the question of what to tell your partners about the reason why Jenkins & Price was so unceremoniously dumped as counsel in the Congruent case. Well, I can be your star witness."

I guess I must look a bit alarmed, because she quickly says, "Don't worry, I won't rake over the gory sexual details. No, here's what I have in mind. I've been replaced as general counsel of Seacrest by Arthur Greene from the Sampson firm – the same firm that has taken over from Jenkins & Price as litigation counsel on the Congruent case. I'll just tell your partners that, for personal reasons having nothing to do with my competence, Cliff Cook decided to replace me with Greene as general counsel. And the first thing that Greene did on taking over was to substitute his old firm for Jenkins & Price on the case. This way, it takes the onus off you completely. And there's even a grain of truth in it."

This woman is a genius. . . .

I clear my throat and make a stab at sounding official. "Well, of course you'll have to go through the hiring committee, but I'm sure we'll be able to find a place for you." Then, reverting to my normal voice, I add, "One condition, though – you have to give up Kevin. Otherwise, people who know he was on the case originally might put two and two together. . . ."

Emma nods in acquiescence to my condition, smiles, stands up, reaches across the desk to shake my hand, and says "To paraphrase Humphrey Bogart, as he and Claude Rains march off together to the Free French garrison at the end of *Casablanca*, 'I think this is the start of a wonderful friendship'"