

personal injury



a novel by
NORMAN PERL

Personal Injury

A novel by
Norman Perl

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Praise for *Personal Injury*

“This is an American story,
a story of the twentieth century.”

– MICHAEL FINLEY

“If you like the legal fiction of Scott Thurow
or John Grisham, you will get a kick out
of Norm Perl's novel.”

– SAM KAPLAN

“Norm, you are the pearl of Minnesota lawyers.”

– HUBERT HUMPHREY

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Foreword

The characters in this novel are wholly fictitious, and should not be construed to represent any persons or organizations, living, dead, or incorporated.

Having said that, I must admit that this story presents some aspects of my life, at least from my perspective .

The truth is that I began this project nearly thirty years ago, when I was still smarting from a trial that has been described as one of the most brutal, and most unnecessary, in Minnesota history. It was a case so ill-conceived, and so maliciously prosecuted, that a U.S. Supreme Court ruling later held that none like it could ever be brought to trial again.

In the wake of that trial I lost my savings, my law firm, and many friends going back decades. My reputation was in tatters. Had I been found guilty, and put in prison, the outcome would only have been marginally worse.

I conceived at that time that telling a version of my story would help me to reconcile what amounted to a violent disruption of my professional life. After a good start, other matters came up that demanded my attention (like making a living) and I set the draft aside, and nearly forgot about it.

Twenty years later, my wife Addie and I came upon the manuscript, found pleasure in revisiting the scenes of our torment, and we resolved together to revive the project, and tell it in a more complete form. This is that complete form.

Who is this book for? Friends and family, mainly. Time does have a healing effect, and I do not remember these events with the same painful sting that I felt in the 1980s. Some of the principals have passed on, and it does not make much sense to stay angry with people who are dead. Some who afflicted me then are still in the world, as obnoxious as ever – but what can a person do?

I guess, looking back, I thought I lived an interesting, sometimes traumatic, but ultimately a

lucky life. Certainly an American life. And since I spent sixty years knocking myself out reading and practicing the law, it made sense for a man in his later years to take a more reflective stance. This book, softened by time and perhaps even some wisdom, is that reflection.

I should point out that the book is not an autobiography, but a novel of sorts. I wanted to have the freedom to say certain things, and to say them in my own way, and so fiction seemed like the best medium. I will point out that the characters portrayed in this book are completely fictional, and should in no way be construed as persons living or dead.

I also thought that a novel would be more fun for friends and family to read than a stuffy autobiography.

Now is a good time to express my gratitude to

people for some very different things.

First I want to thank my mentor Bill DeParq, for providing me with a template of what a great lawyer should be. Bill has been with the angels for a good while now, but I know somehow he will demand a copy of this book and get a chuckle over the horrible parts, and doubtless blue-pencil passages that he remembers differently.

I thank all the gentlemen who practiced with me, for better or for worse, especially Bob Austin and Jerome Abrams, who took me in after everyone else had abandoned me, during the trials.. That was an act of uncommon friendship, and I bless them for that.

I wish to give special thanks to all the people who testified on my behalf during the three trials. Bank presidents, attorneys, business leaders, judges, colleagues, clients, and friends. During a difficult time, they put their good reputations on the line to salvage mine.

I wish to thank my friend, the writer Michael Finley,

who worked with me for a year putting these experiences into words. It was fortuitous that he became available to me at the exact time I rediscovered the project. Some coincidences are fateful.

I want to thank my beautiful family. Their support and love were the source of my power during my struggle for the truth.

Most importantly I want to thank my sweet Adeline – my darling, my wife, the friend of my life. If I did not go mad during my trials, it was only because of her abiding love. If I have driven her a little mad in the years since, with what she calls my "Normanness" – my own trademarked concoction of bluster and obtuseness – I beg her forgiveness, and know I will get it, because that is who she is.

And I want to thank America, for being my country and allowing a man like me to have free rein in her courtrooms, earning a living by righting wrongs. And the law itself, which I continue to love, even though it nearly hung me out to dry all those years

ago. It's not a perfect system, heaven knows. But it gave me my life, in more ways than this book can recount, and I will always be grateful for that.

Prologue

I am sitting in the courtroom, along with my fellow co-defendants, waiting for the jury to return with the verdict. I feel like I'm dying. My hands shake when I hold them in front of me. My throat is so dry I can scarcely draw breath. I try a few sample swallows, but it's like there's something obstructing the channel – my fist, maybe. I have to squint as the jury files slowly back into their box, a single arm-swing away from me. My palms drip with sweat.

I groan inside. A thousand times I have told clients: Don't try to guess what's on the slip of paper the foreperson carries in the small white envelope. Don't stare too long into any jury member's eyes. Don't take the looks on their faces as a clue. Not a slight smile, not a dour grimace – especially not the look of serenity that sometimes envelopes a group that has finally come to a decision.

I knew because I have seen it so many times myself. People can look just as serene hurling a guy into a 1,000 foot deep pit as restoring him to grace in the city

he grew up in, giving him back his life and everything he ever loved.

What their decision might be, I haven't a clue. I always thought I was aces at jury-picking. The conventional wisdom was, if you're suing a business, then you choose workingmen, guys with wrenches and overalls. If you're going for the big award, then you go with Irishmen. If your client is a woman – take note now – you have to pack the box with men. Because most men can't bring themselves to pull the trigger on a woman, but women will line up to do it. Women's inhumanity to women can be incalculable.

I had this wisdom. I knew these tricks. I knew the neighborhoods. I knew how the melting pot worked. And I put that knowledge to use in the courtroom.

The conventional wisdom worked fine. But I, Jonathan Gold, in my trade and practice as a personal injury lawyer always try to stay a step ahead of that.

Now I am fighting the toughest battle I have ever faced. An attorney, on trial for criminal mail fraud and

conspiracy. Disgusting. Fighting for my own survival instead of the rights of a client.

My career was at the top. I was an exemplary lawyer, father, husband, friend, community leader. Sure, you step on toes on the way up because in litigation there is only one winner, and I always wanted it to be me. To a large extent I succeeded in earning people's respect and esteem. But this failure engulfing me now was like calling the vultures to circle above me. I am no star now. I'm just a humble defendant, waiting and praying that the piece of paper in the foreperson's hand will give me back my life..

I try to set the stereotypes aside. When I am on my game, I just let my instincts take over. I look into that juror's eyes. I look for something deep in there somewhere, a wince of pain or a hint of fellow-feeling, some sign that this is a human being sitting in that box, someone who would listen to what I have to say. And when I spoke to that person, I was in a state of union with them. They would have given me roaming privileges in their minds and hearts.

As I look at the jurors deciding my fate, I hope they recall that throughout twelve difficult weeks, I never buckled for a moment. No one could question my integrity in defending myself, my honesty before the law.

Come with me, I say as I look into jurors' eyes, placing my humanity as an offering alongside theirs. Come take a walk with Jonathan Gold, soul to soul, and heart to heart.

But look at me now, feeling grimy with fear, all my certainties smashed to smithereens, all my inside intuitions turned flat and bitter in my stomach. I cast about for something to hang my hopes on. I can't look at Evie, it's too horrible to see her, eyes all red and heart all hurting. How could I have brought her to this moment. Even though innocent, I was a crumb to have hurt her. Good men don't get into this kind of trouble. All those nights I stayed up working and preparing – I should have spent them with her, I should have held the yarn for her as she knit all those sweaters. I should have stayed out of trouble. I should have been a better man.

Glancing about the courtroom, I looked for something to fix my eyes on. I noticed the judge's block. People think judges are always slamming their gavels and demanding order, but basically, that doesn't happen. Judges don't let things get to that point, except maybe on TV. A gentle rap to conclude a case is about all that usually happens. Still, there is the block, and it is all blonde and shellacked and nice, and it does give me a moment's comfort. It symbolizes everything great about law – the fact that even the thorniest disputes are resolvable, if you're willing to be compromise and be flexible on the fine points. Hearing the gavel rap against wood tells you that much of the monkey business of being a human being – the excuse-making, the denial, the loaded words, the insinuations – are not tolerated in this place. Here, you tell the truth. And truth and justice are all you can hope for in return.

But now the feeling of comfort flies out of me. This is the awful moment. Family behind me, ready to take the bullet with me. Reporters ready with their cameras, to flash the exact instant when my heart breaks into a thousand pieces. The gawkers and the neck-stretchers,

whose day would not be complete without having a look at this poor guy about to be hit with a verdict, that no matter how it goes, will shake his future to its foundations.. This fallen angel, this attorney in the dock. Me.

The judge waits until the jury take their places, a great skronking of chairs, a great rustling of notes. Then he addresses the foreman: “Do you have a verdict, sir?”

“We do,” announces the foreperson, a large man with bulging eyes and an oversized red mustache, like Dirty Dan Magrew might sport.

The foreperson passes it over to the bailiff, who hands it to the judge, who after reading it hands it back to the bailiff, who in turn hands it back to the foreperson.

Then the judge intones the deadly words:

“Will the defendants please rise?”

We do.

Before the judge speaks, I place one hand on the chair back beside me, and unintentionally, and shockingly, knock it to the floor. I almost go down with the chair.

People in the back of the courtroom titter. Have I fainted? No, just lost my balance. But everything is spinning. I put my head in my hands, a tough guy no more, wondering what has happened, what has become of me.

I close my eyes and try to stop the spinning. Yesterday is past, today is my future – what will tomorrow be like? How did I arrive at this awful moment?

CHAPTER 1
Everything I did
became my teacher

Even as a boy, growing up oin Milwaukee's south side, I worked. I always had some kind of job. Even at five, I cut grass and shoveled snow. I peddled papers, I scouted for scrap iron from alleyways in my brother's red wagon. I did it to put some money on the table for my folks. I was the kind of kid who managed to have a quarter in his pocket somehow – just not two quarters. Like my dad said, "The harder you work, the luckier you get."

But I stayed busy. I pondered opportunities in the world surrounding me. Delivering papers you get a privileged peek, for just a thin second, into the way people lived – for as many seconds as the screen door stands open, for someone to bend over and pick up the paper, or fish a couple of nickels out of a purse.

In that single second you answer lots of questions. Why the drapes were always closed and dusty behind Old Man Kacevich's picture window. Who had a black

eye this particular Sunday morning, Mister or Missus Georgiakis at 212 Oldham. Who puked on Palmer Street Saturday night, and then, from the looks of it, slipped and fell down in it, splat. What use the Mulligans had for that queer shingled turret, that made the place look like a fish-tank castle right there in the slum. Why you sometimes found one crushed leather shoe under the North Avenue rail overpass, never two, and the laces were always stripped away. Who, why, what? These questions were good practice for the law.

I wanted to know about the other shoe. I wanted to know about everything.

One time, I stopped my bike behind a hedge and watched a drama taking place at the Putterman place over by Nock Street. Two police cars were parked at the curb. I saw the dad escorted out the front door in handcuffs. The mom, wearing a red print dress with a pattern of roses and daisies, was calling after the man, her face all red, arms held out and tears running down her cheeks..

I knew about Putterman's old man from school. He

was an accountant with a motor firm by day, and got caught with company money. He was arraigned, tried, and put away for eighteen months at Fond du Lac. Maybe not so bad, but I could live to be a million and never see an expression like the one on the face of the kid younger than me, Donald Putterman, standing on his own sidewalk, with his fists balled in his pockets. It was the face of nothing and everything. No expression, no tears, no frown – but I knew I was darned if I was going to bring this up with him the next day at school. It was the face of a kid whose world had been squashed flat as a paper cup. That expression was on my mind all day.

I didn't mention it either at suppertime, as we sat around the fake mother-of-pearl dinette set with the curvy chrome legs like a gypsy violin. If it hadn't been a kitchen table you could have flipped it over and used it as a sled.

I lived in a small house with my mother, my father, my brother, and my grandma. My dad was a tailor, and he worked in stores, tailoring fitting clothes the old-fashioned way. He was a quiet man, kindly, and a little

beaten down from all the hours he put in providing for us. I don't remember ever having a single moment of play with him, except for Sunday fishing outings. We would dig worms from the back yard, and catch panfish down by the bridge. We would take out poles and bait onto the streetcar and get off at the river running through town.

My dad didn't want me following in his footsteps. He wanted more for me than spending my life on my knees, chalking and pinning some customer's's inseam. But there were times in my career when I knew he respected me, because fundamentally I was like him, a hard worker.

My brother Alexander was two years older than me, a brilliant boy who played violin. Not much help around the house, but we could tell he was smart. He would eventually go on to become an expert on metal braising, a space engineer. He helped make the rockets that took us to the moon. We were all so proud of him. I was the worker son, but Alex was the brains.

My mom was a housewife. She was the best cook and

baker around, Hungarian-style, ask any of my friends, who hung around in hopes of getting fed. Strudels, Vienna torts, latkes, chicken paprikas don't get me started..

My mom served us liver and onions and mashed parsley potatoes, with gravy flowing down like Vesuvius. My Uncle Jake liked to say what didn't kill us only made us stronger. We were one of only a handful of Jewish families on the near south side. There was us, there was the Puttermans, the Rosens, and the Lipschitz cousins on the corner. It was a big deal to my mom that we were all Jewish but I didn't care. Kids didn't care about such things.

My head was like a popcorn popper with the things I saw that day, every day, but we sat in silence as the meal progressed, forks and knives making the only conversation. My mother could coax five servings from three-fifths of a pound of chopped beef. In a pinch, she could satisfy the nations with a single chicken wing, in her own Hungarian caraway sauce – that was my ma.

And the look on my father's face, and the unspoken

question of whether there would be work at the tailor shop the next week. He worked 10 hours a day, six days a week, at one of the finest stores in town, Hathaway's – and money was still in short supply.

I did think about money a lot for a kid. I was thinking it would be great to have a horse, I could ride it to Joliet Middle School in Sherman Park, and it would be a palomino pony with alarmed-looking eyes, but he would be my best friend, and stand at the curb all day, the reins tethered loosely around the no parking sign, until the school bell sounded at three o'clock. His name was Blaze, I'd feed him apples out of my hand, and we'd be the very best of friends. Of course he wasn't a real horse, he was more a sigh of my inner desires, a thing that coulda, shoulda, woulda, but ain't never gonna.

So I trudged home horseless each night and cast my bookbag disconsolately on the stuffed green davenport, because I was ponyless while the young princes of the city, boys my age like Bobbie Villers, the city councilman's son who lived three blocks from me, in a

house with a cast iron gate, and ivy, honest to Pete ivy swarming all over the place, could have horses, German shepherds, he could probably have a unicorn his parents were so loaded. A unicorn with golden unicorn-shoes. A unicorn pulling a surrey with a fringe on top.

"Hey, heebie, your shoes are comin' apart!" Bobbie Villers mocked me, laughing at the Red Goose sneakers I delivered papers in, the ones with the torn rubber toe.

"Ah nuts to you, Bobby Villers," was the best I could manage on such short notice. One day Bobbie Villers and I would lock horns in the fight of my life. I did not know that when we were little. I only knew that I hated him.

Looking for a way to enhance the family's finances, I did everything – deliver papers, shovel walks, cut grass. But I wanted to make some real money. I got a tip from Johnny Hallinan, down the street, that they were hiring at Antoine's the city's top restaurant. Johnny was a server there. He introduced me to the owner – I saw Antoine sitting in the rear of the room,

his elbows on the table – and I got the job. Twenty-five cents an hour. Real money.

When you bus tables in a classy, busy restaurant like Antoine's, where the creamy Milwaukee River flows into the suds of Lake Michigan, where the tablecloth is real honest-to-God tablecloth and the silver is real bet-your-life silver, you have to act proper.

You know the type I'm thinking of: the kid that takes away the dishes on a big platter, piled too high, you can see his legs wobbling, and he may stumble into a diner's chair, and the tray goes all cattywampus and most diners never saw what happened, they just hear the enormous crash when the platters and parfait glasses smash on the carpet. The lady in the fox stole is looking up through white clam sauce and vinaigrette with an expression on her face that tells all there is to know about the unsatisfactory lives of the up and coming. But I am telling you I was not that kid.

You learned how to brush crumbs from a tablecloth with a knife, how to go through swinging doors

carrying a tray of hot chowder, how to be around diners – the art of being inconspicuous, yet conspicuous.

We didn't get table tips like the waiters did. But some times we could pick up a few cents running errands. Some big spender would call you to the table and hand you fifty cents. “Hey kid, go fetch me a pack of Pall Malls. And you can keep the change.”

When Mr. Ruppert, the right-hand man of Mr. Antoine, threw me the apron and I laced it up under my armpits, never mind it was so long I had to fold it in the middle to keep from tripping on it. What a job!

I was good at this from the get-go. I had a system – heavy stuff went on the bottom of the tray – but more than that I had a feel for it. Because it wasn't really about dirty dishes and syrupy forks and cigars stubbed out in baked Alaska. It was about the experience the nice people that paid big bucks to eat in Antoine's storied Candlelight Room. They were after a feeling, a state of mind even more than they were after a porterhouse or the New York strip, which was very

good. The feeling was that they were somebody, even if they knew they toiled in namelessness behind some oak slab door, selling God knows what to who knows whom. Sure these diners made OK money in their daytime lives, but when the lights went low and their wives were arrayed alongside them by the glittering hearth like baked goods – every sweet and tasty pies and every cake – then the guys became Mister Big.

And whatever I could do as remover of cups and saucers to enhance that feeling the men had of having arrived, of being a master of the lakeport city, someone who mattered in the big wide world, put quarters in my pocket.

I loved the job. I loved being on a first-name-last-name basis with the men who ran the city ("How you doing tonight there, Jonny?" "Tip of the top, Mister Glockspiegel!"). I loved being efficient and knowing how to stack the tray just so. And I loved knowing and using the names of dignitaries and big-spenders (and tippers).

Also, I didn't mind being around the girls Antoine

hired to take orders and show diners to their tables. Most places as posh as Antoine's had maitre d's for that, but Antoine was a revolutionary figure, he figured a pretty face leads to a bigger bill. It would have been so good, too, except I had to go and ruin it by organizing a union and then became the boss of them all. We got twenty-five cents an hour to clear tables, help serve food, and fetch cigarettes and such. It's not like we were inventing the light bulb out there in the main dining room, but I figured we were providing more value than we were getting.

Would you believe, we succeeded. After my successful negotiation on behalf of the six, we received a full bump to thirty five cents an hour. My reward was they showed me what the door looked like, and suggested I pass through it. Sixty years later, I think of the girls I worked with, and me mopping the crud from Antoine's linoleum past closing time. Sometimes I do things, and I wonder what I was thinking.

I was thinking I would dine at Antoine's and tip the busboys well.

After Antoine's I took a series of jobs selling shoes. Eventually I worked up to a shoe department in an exclusive women's store. I was eighteen, and happy not to be carrying dishes. Selling women's shoes taught me everything I know about salesmanship, and how to sell the sizzle, not the steak..

It's like acting, but sincere acting. You have to agree with the customer that, of course, the red pump is not quite right, that perhaps the black patent leather is the way to go. In your mind you have to side with that experience. It's not about how frustrated you may be pulling box after box, taking them apart, often having to lace them up and tie them on the lady's feet, without appearing to have your eyes wander where eyes are not to go.

You are that woman's agent, and not just for footwear, but for a hiatus from all life's aggravations. So don't you be aggravated. Sell the shoes, and when you have rung them up, box up all the leftovers and place them high up where they came from, congratulating yourself on the sale

Because it isn't even about shoes. A shoe store is a place a woman out in the world can have a bit of fun, can pamper herself. Many a lady I have sold glittering heels to had raw hands from scrubbing and cooking. This was the antidote for that. Women like having a strategy in life, even if it just means accessorizing their pocketbook and pumps. And I liked making that extra sale each time, the item – we called it the spiff – that made the transaction profitable. Spiffs were the accessories you could make an extra dollar on – a buckle, a bow, a tin of polish. A red star on the shoe-box meant an extra dollar of profit to the salesperson. If you were good, spiffs could boost your daily take by \$5 or \$10. So I took spiffs seriously in 1943. Shoes retain my respect to this day.

Everything I did became my teacher, and everything was useful to me later with the law. Busing tables taught me to put my own mark on things – to be quick, unobtrusive, and to scrape even the crumbs off the tablecloth so that diners putting fork to pie have a fresh place to do it.

I delivered telegrams, and the exercise from cycling built me up, made me stronger, made me more confident around people. Occasionally I even delivered singing telegrams – they cost a bit more, and it's not the most dignified thing in the world, walking into a room of people you wanted to respect you, and instead belting out a birthday song. But I'll tell you one thing, it teaches you not to take yourself too seriously.

I was working so many hours that I didn't have the kind of normal after-hours school activity other kids had. I couldn't be in the band, or play ball, or do a lot of those things. But I did manage to fit three things in. I played an old monk in a high school production of *Lost Horizon*, I took cooking and home ec to hang around with the girls, and I was the anchor of the school's debate team.

I don't remember much about the monk except that he was very mysterious, and very, very old. Home economics proved very useful to me in college – I was the only guy in Douglass Hall who could make a broccoli souffle. The other guys scoffed, and I scowled

behind my apron, but I didn't see any of them decline to taste my pineapple upside-down cake, which won numerous awards. I was proud of my achievements.

But debate, now that just suited me to a T. It freed up the mind because you had to argue both sides of a position. You could be passionately for a proposition, and the next hour you'd be dead set against it. It made me agile, but it made me a quick thinker, and tough in the mind. I knew about *Plessy v Ferguson* long before I went to law school. I knew a tort was not a fancy cake. And something else, I felt a kind of self-control in debate that I didn't let other people get to me. With the task at hand being persuasion, I became stern. I watched my words with care, and I did not boil over because the next guy degraded my presentation. I was on my way to mastery.

At age 17 I went off to college, at the state university, but I continued to work nights, selling shoes, In order to have some kind of social life, I pledged a fraternity. A lot of the guys were already being called up for the war effort. During my school years I served as president of the local chapter of AZA, the American Zionist

Association.

I was eighteen when I met Evie. We were at a party at the Sobels, and for some reason I was ultra charming that night, dishing up jokes and stories, never off-color or crude, but everything in a personable take-me-home-to-meet-your-parents way, pasting grins on people's faces.

But I know the reason is that I saw this tiny girl with sparkling eyes, wearing suede flats which I knew for a fact were on sale for \$12.99 at the store, and I thought to myself, if I could make everyone in this whole house laugh, and the great chain of chuckling and guffawing came all the way back around the earth to Evie, who sat there so calmly, hands on her lap, on the green sofa in the Sobels' house on lower Revere Street, with the portrait of Roosevelt looking down approvingly on her, as if to say yes, yes, this is the one, and she smiled, too, well, I'd say that would be a pretty OK deal.

"Hey how you doing?" I ask her. She just looks down at her hands and smiles.

"My name's Jonathan," I say, cracking a knuckle like a

jerk. "Jonathan Gold. You maybe heard of me? I'm the local area representative for Fuller Brush. I could get you some nice boar-bristle brushes for cheap you know."

They'd look good, I'm thinking, parting your pretty hair.

Her two girlfriends laugh, one of them a big snarfy laugh, she wasn't looking till I saw those long teeth. I am taken aback. Does that laugh mean Yes, they heard of me, I am that door-to-door salesman they have heard about? Or is it Wow, you must think your reputation has marched you all the way up Sinclair Avenue, one doorbell at a time.

Evie looks up at me. She smiles like there's nothing else she can do, but I see kindness in it, and I am like a thrashing, drowning man, and I grab for the smile.

I know how to describe it. Like, once in a lifetime, if you are very lucky, you look into somebody's eyes and you just know they will give you the benefit of the doubt, on just about everything, until the day you die. And if you fail to leap in the direction of that

opportunity, there must be something the matter with you.

"Maybe we should dance," I say, and the rest of the night we are windmilling on the bare boards, me staring into that same steady look, and woe to the couple that wanders into our wingspan.

I walked Evie home that night, about 10 blocks in the opposite direction of my house. I met Evie's dad who was waiting up for her. For the next two years we dated like any other couple. Evie's dad gave me a car to get around in. We went to fraternity parties, and we went dancing a lot. I remember the night I pinned Evie. It was the same night I punched another guy in the nose – the only time I ever did a thing like that.

Evie's dad, a man named Lou Milovetz, who even though he worked in auto parts, and had to bust junked cars up to sell off the parts, was nevertheless one of the gentlest and sweetest men I ever knew, , but I loved the guy and I always did, and he had a heart for me right back.

Lou Milovetz, Evie's father, emigrated in 1918, from a town in Belarus called Kopel, just as that war was shutting down. He said he stood at the railway station in nearby Ljubljana, that he walked seventeen miles to get to, passing Russian deserters dangling from the telegraph poles by the station, hanged before the Red Army mutinied and rushed home to throw off the czar's yoke. But Lou just walked silently past the hanged men and shivered and clutched his mother's wicker suitcase that much tighter. He arrived in Kenosha with the great influenza rolling drawing near the city.

Lou was the first adult I ever knew who respected me, who showed an interest in me I mean, my folks loved me, but your own parents know all the dumb stuff you did, like the fire you started in the towel drawer when you were six, and the wagonload of dead fish you dragged home from Lake Michigan when you were seven, and the friend's car you drove into a bus stop under the influence of a bottle of Blatz in the summer of 1942 – well, it just gets to be impossible for them, seeing the foamy wake of your failings, to put you on

very high of a pedestal.

But Lou, with his grimy hands and nimbus of a nose, looked me over and he liked what he saw, and he let me know he felt that way. I felt I shone in his eyes, he gave me high hopes that I could do things with my life.

"So what are you taking up in college, Jonathan?"

"Same as everybody. History, science, English."

"No, I mean, is there anything you feel special about?"

"Well, I'm taking a course in business law I like. You get to talk, and I like the give and take of that."

"You do, do you?"

"Well, I get to show off a bit. I'm a pretty ordinary guy in most ways. But when I stand in front of people and try to persuade them of something, I feel like I have stepped up, that I am at my best."

"You ought to become a lawyer, Jon. I'm gonna make it my project to see that you do." Lou poked me in the chest and he laughed.

But he was serious. He was not only right – I was a

natural for the law, I wasn't flinging baloney when I made that claim – but he helped make it come true. With his encouragement, and the feeling he gave me that he believed in me. And offered me financial help if I needed it.

And on top of that, I got Evie. I loved this family already, and I barely knew them.

Evie and I dated in a very regular fashion for several months. Since I didn't have a car, dating was a challenge. But Lou helped me out, lending me a car and even sharing gas, which was being rationed,

We took walks in the park, supped ice cream sodas at Leopold's, had dinner at the fanciest places I could afford, hayrides, fraternity dances, movies, and dancing, always dancing, and always Sinatra. Evie's mom put her up to dating other guys, just so she wouldn't have all her eggs in one basket, in case I turned out to be a jerk. But you could just look at her and see she had her sights set on me.

Lucky me. I was twenty, I had my wits about me, I had a girl I was in love with, and the war was coming to an end. Even so I got the letter in the mail telling me I was to report for induction into the U.S. Army, and I passed it around to my family. I passed the letter around again at Evie's house, and I was the subject of much admiration, not just for going off to wear the uniform, but for having the great good luck to be going at the moment I did.

So many families in the neighborhood had lost sons in the Pacific or since D-day, and I felt like I was a gift to all of them, because I could go and in all likelihood make it back in one piece. It was a special responsibility, being the one guy people don't need to worry about.

Evie and I saw what was happening. We laughed because it was so wonderful for the war to be over, for America to be standing a head taller than every other country in the world, and for the two of us to be in love, and free – despite the order of conscription – to do anything we wanted with our lives.

But our life together would have to be put on hold.

I took the train from Milwaukee to Louisville, and boarded a bus to Fort Knox. The fort wasn't where the gold was being kept, though the guys in my barracks sure talked about it a lot, before lights went out at night. It was something to go to sleep knowing all that gold was just down the road a piece. I joked about it in my letters to Evie, and told her she should come down and help herself to it, like it was just lying out in the field for people to pick up.

We both were lonely for each other and talked about getting married. We were so young, 20 and 18, and ignorant about the world and relationships. In retrospect I think being a little stupid is a big help. I mean, if you knew in advance all the bad stuff that could happen, who would ever do anything?

“Why don't you come down here, and we'll get married,” I yelled into the phone at the PX. It was 1946, and guys in uniform were proposing at the top of their voices at practically every pay phone.

The whole telephone experience was very different then. I had to use the PX phone, where every knucklehead on the base could overhear me. Back in Milwaukee, Evie had to talk into the receiver in the hallway, where she too had little privacy. So were attempting to negotiate a major life issue in plain earshot of everybody and his uncle.

But we didn't make the decision all on our own. My folks and her folks were both brought into the conversation. Evie was still a young girl, and that was an issue. But so was the fact that she was pining to be with me, and had lost 15 pounds from her tiny frame – and was not acting at all like herself. She was irritable, and yelling routinely at people even when they were being nice to her. It was what we today call the biological imperative, She had business to conduct, and she didn't want to wait till color television was invented,.As the saying goes, she had it bad – and something needed to be done.

We began to seriously discuss marriage, with our parents. They knew we were in love. But they weren't crazy about us getting married with Evie being only 18

and moving down to Louisville. But we wore them down.

Eventually all five of them climbed into Lou's car and drove down to Louisville, dropping a transmission along the way. They must have had some interesting conversations along the way, because they were just to know each other. One thing they agreed on, though – I was getting the better part of the deal.

Everyone loved Evie, her dad was a successful businessman, Whereas, I was just a poor kid from Nock Street. And I have generally found that people are just as happy leaving me as taking me.

We got married in a wooden chapel with a red roof, out alongside the main bivouac. A bunch of guys from the base were on hand to hurl Uncle Ben's at us and tie cans to the bumper of a friend's Ford. They were impressed that all four parents made it from faraway Milwaukee. Lots of GIs got married in a hurry, without their family's blessings. Evie's mom had given her her own wedding ring for the event. We did it the old-fashioned way, and we are glad we did.

So we drove off in the Ford, on a slushy Sunday, for a one-nite honeymoon in glamorous Louisville. That night we sipped champagne from New York State, and toasted our connubial bliss, which was considerable.

Now, Kentucky in 1946, with my boots in the mud and my head in the clouds, was worlds away from the courtroom battle I would fight in 1982 in Milwaukee. But there was one fateful aspect to the time I spent there, and you could hear it chugging through the area every night, when the lights had gone out.

The Ohio and Kentucky shores were laced with railroad tracks, and you could hear the mournful shriek of the Chesapeake and Ohio booming along the steel rails at night, in nearby Southpoint. Evie and I used to picnic on the bluffs overlooking the Ohio where it winds through, and she would joke about me someday being a big-money railroad lawyer. She was right, but not in the way we imagined back then. I would put chicken in our pot by suing the railroads!

Evie had a job at a radio station in Louisville, WLAP,

which operated out of a tuberculosis sanitarium in Waverly Hills. Her job was pulling records for broadcast, plus anything else that needed doing in the studio.

She rented a room from a widow named Rose. Rose lived just off the streetcar line. Rose wouldn't allow Evie in the kitchen for a long time. She also didn't like me sneaking away from camp on Friday nights and hanging around. Rose probably was having a hard time, losing her husband in the war and then having to take in boarders. It bugged Evie that she was given second-class treatment. But one day it occurred to Rose that Evie could cook and help out, and from that moment on she was a welcome guest at the table.

It's funny how, when you're young, people just seem like sourpusses to you, because they don't give you what you want right away. Evie and I made horrible fun of Rose behind her back. Only with the passage of years does it dawn on you that those grumpy people were suffering.

And once a week we got fresh baked sugar cookies

from the Milovetzes back in Milwaukee. Evie's Mom knew I loved them. They were the kind you closed your eyes when tasting them, they were so good. Once you deprived yourself of sight, the cookies went straight to your brain. If that moment wasn't heaven, it was right next door.

The guys back at the base had an elaborate system for covering for me on these weekend outings with Evie. They were good-natured, but lonely souls, living vicariously through us and our happy romance. So they made up stories to tell the CO.

"Gold's doing kitchen duty, Sarge."

"Sarge, the last I saw him he was lookin' for you!"

"Oh, Goldie was lookin' mighty sick. Mighty sick! He was holdin' his appendicitis like this!" (Holding the wrong side.)

They weren't the smartest fellows I ever met, but damn, I loved them.

One day Rose took her two small children and headed off for a family celebration. This was sweet for Evie,

who loved to curl up and read, but a terrible rainstorm came up, and the lightning must have knocked out a transformer because the lights went out, not just in the apartment but across the entire neighborhood. In the darkness, Evie got scared. She has never been at her best around creepy crawlies.

Fortunately the phone lines were still up, because she was able to get through to the operator.

"Please," she told the operator, whose name was Lula. "Don't hang up on me. I'm in the house alone, and it's dark, and I'm scared. Please ring my husband at Fort Knox." And the guys flagged me down in the mess hall, and I found myself sitting on the floor in the barracks, talking to Evie about this and that, trying to keep her calm for a couple of hours, until the rains eased up and the lights went on again.

Two days later Evie told Rose about her experience, and about the phone bill that would be arriving.

CHAPTER 2
And the spangled heavens
cartwheeled high above us

I shipped out to Washington State, and Evie headed home to Milwaukee, and the charmed life I was living seemed to darken a bit. The Northwest was cold that winter, and our drills were tough, and I honestly did not feel cut out, after several weeks of slogging, to be much of a soldier, the kind with a fixed bayonet in a slip-sliding trench.

But even in Washington I got lucky, if luck is what you'd call it. Marching in the mud for weeks at a time, my feet broke down. I felt so bad I couldn't even stand up. Once I was up, I had to step gingerly from one spot to the next, but it was no good being on tippytoes next to a battery of Howitzers, much less do morning drills. So I directed my feet to the medical tent.

The doc was a fellow named Hollister, he took one look at my dogs and whistled. "I've got some good news for you, son, and also some bad news."

"What is it?" I asked him. "I can handle it." I was

certain I had some horrible rare illness with a hyphenated French name, for which the guillotine was the prescribed treatment. "Give it to me straight!"

"The bad news is, you're heading for the hospital, soldier," he said to me. "You've got about the worst case of fallen arches I ever saw."

My jaw dropped. Fallen arches? It was like telling Blind Justice she just had pink-eye.

"The good news is, the hospital's right nearby," he said to me. And, if you don't want to be shipped overseas with your regiment, I have a friend who'll put you to work at Madigan General Hospital."

So the war was over, for me personally at least. I bussed up to Fort Lewis, which really was an old fort a couple dozen miles south of Seattle, the home of the Third Army, with cobblestone watch-towers thrown up during the Depression. I bunked in the rehabilitation wing of the hospital for several weeks while my feet knitted back together, and they fitted me with arch supports so with any luck it wouldn't be a problem for me any more. Then they told me to be about my

business, which in this case was convalescing.

My new job, being a clerk at the convalescent hospital, was the best job a man could want. I got to drive around base in my own Jeep. My main responsibility was keeping track of admissions and dispositions at the hospital. It was a simple but important position. I had to notify every department – the commissary, kitchen, laundry, etc. – of the actual patient numbers that we serviced from day to day.

Let me spell that out for you. If we had 702 people in the hospital on Monday, and three were discharged, and nobody went out the back door on a tray – OK, you get the idea.

All I can say is, if you have to be in the army, you could do a lot worse than Fort Lewis. By the time my convalescence was completed, I was formally transferred to the place I already was, Madigan General Hospital.

And it's a funny thing, but there is a way in which I started to get my life organized, right there in Fort Lewis. Evie and I had met a friend of her dad's back in

Milwaukee, named Abe Isaacson. Abe ran a truck parts depot in Washington State with his son Walter, who also came to be a good friend of mine. So it was natural for us to look them up while we were at Fort Lewis.

Abe was a remarkable guy, a a mover and shaker in that part of the world. He was involved in politics, and in commerce, and people sought him out. For reasons I couldn't tell you, Abe saw something in me, and invited me out to his place for both fancy and informal events. Abe was so gracious to me that I felt like I belonged, even though I was just this punk kid from the old Midwest. So there I was, the most junior of junior persons, a nobody, hanging around and hobnobbing with people who were pretty important in that part of the world – businessmen, professionals, politicians, legislators and the like. I talked to the governor once, and a U.S. senator! It was a terrific opportunity to learn how the other half lived, and thought, and spoke. It took me up a notch, and I'll always be grateful for that.

So I called Evie, who had moved back in with her folks

in Milwaukee and I said, "You've got to get over here." And her mom, whom I loved like my own mom. went crazy because she was losing her oldest daughter, and I said, "Don't you worry about Evie, I'll take good care of her."

I was a knucklehead, I never investigated the place I agreed to rent for Evie and me like I should have. You know how guys are, one place is the same as the next to us. And the name was certainly reassuring: American Lake Gardens. It was one of those Quonset huts that were put up so hurriedly during the war, to house servicemen, factory workers, and the like. There was no lake, and there were no gardens to speak of, and I suppose the Quonset idea was borrowed from the Indians, who were the original Americans. But the Indians never saw this place.

I was like, Quonset hut? Count me in, or out, mom, as the case may be (I called her mom as she seemed to like that and I liked keeping her happy no matter what I had to promise). So Phyllis had her reasons, no doubt about it, and I assured her that there might be lots of thing to worry about in this life, but she need not ever

fear this one thing. She and me were on the same page of the same exact book.

Evie jumped on a plane out of Wisconsin to come see me, to set up house and finally be my bride, the way married people were supposed to do, but a terrible winter storm came up, the likes of which you don't see that often on the western part of Washington State. Streets filled with snow, and even search parties, up in the Cascades, looking in on the folks who lived in shacks along the hillsides, got lost, and they had to send search parties for the search parties, and that was the weather Evie was flying in on, and it was too much, so the plane put down in Spokane.

And I know you're supposed to be patient when things like this happen, because it's an act of God, and it doesn't do to try to undo acts that God himself had a hand in, but I was going crazy, I had to see my Evie. She was supposed to fly in at seven o'clock on a Sunday, but all the airports west of Yakima shut down Saturday night, and I was patrolling the streets around Seattle in a car I borrowed from a friend, with tire chains that the guys in the motor pool fitted on, and I

was clanking through the heavy snow, trying to get control of my emotions while my Evie was God knows where, up in the clouds, flying through a wall of chicken feathers.

I had to do something to keep from going crazy, and there was no way I was getting through the mountain passes when even the rotary plows were getting stuck in the 20-foot drifts. So I did what any good American would do, I went to the movies. There was a theater on Pacific Boulevard that showed pictures all afternoon and night, and I sat and watched Ronald Reagan in *King's Row*, it's the one where he wakes up after his legs are amputated and he looks down under the bedsheets and he asks, "Where's the rest of me?"

And I remember the line because I sat through the picture three times, biting my nails and looking at the velvet seat next to me and stroking it so the velvet stood up and lay down, and wishing I had my Evie beside me, and I'm thinking pretty much the same thing Reagan was thinking, and wondering when we would be all together again.

Meanwhile, there were ongoing developments in Evie's story. The winter storm had lifted some, and all but six of the passengers were able to secure other flights into Seattle. But Evie was one of the six unplaceable passengers. Together, they rented a limousine and they had the driver get them from the Spokane airport to the Seattle airport. It was a five-hour slog through heavy snow along the mountain passes.

Arriving at the Seattle airport, a clerk listened to Evie's story. "Are you that soldier's wife? Oh, he has been in and out of here about every hour for the past three days!"

Evie brightened. That sounded like her guy.

I picked her up about a half hour later, and we drove directly from the airport to our new home, our first home together. There the crisis deepened.

We entered the quonset hut apprehensively, and looked around. It was kind of a tiny airplane hangar converted to home use. For one thing, the place was very dark because of the coal soot. And that was our first challenge. It was a very cold day, but neither of us,

new to the place, could figure out how to light a soft coal stove. Ignorantly, we lit the coal without opening the flue, and our sooty little tin can of a home and our few belongings were quickly engulfed in filthy black smoke.

That's how we met our neighbors – they were the people gathered outside on the grass, laughing at us and our sooty faces. Every new arrival to American Lake Gardens underwent the same stupid initiation.

Over time we got better at living in the place, and the neighbors who laughed at us turned out to be pretty good neighbors. We came to our little hangar without much in the way of personal property. Neither Evie nor me owned a pot or a pan. But the place was furnished.

We had spoons and forks in the drawers, and sheets and pillowcases on the bed, and cases of number ten cans of Campbell's tomato soup and Del Monte fruit cocktail on orange crate shelves set up in the back of the room, courtesy of a friend of ours in the Quartermaster Corps. which we shared with our

neighbors, once we forgave them for laughing at us. We didn't want for peaches, asparagus, or sardines – a combination we never did find a decent recipe for.

Evie got a job with American Red Cross, which gave us a car to use during the day.

And on Sunday afternoons we would doll ourselves up and go sit with the Isaacsons and parlay with the intelligentsia of that side of the mountain.

Spending time with the Isaacsons was a revelation. Though we were just a couple of mutts from Milwaukee's south side, we learned how to fit in with people who were educated and informed. It helped that we were both reasonably bright and, as they say today, upwardly mobile, ambitious to make the most of our lives. Mostly it felt to us like we had somehow stumbled into the center of the universe in Washington State – a place where we could be who we were, but also anyone or anything else we chose to be. It was what America was supposed to be about, opportunity, freedom, and lots and lots of canned goods.

The work week was rough. I worked with a rehab population of about 700 guys who had been injured in the service, generally in combat. When I first reported I was afraid I would crack, spending so much time among men who were suffering, men with missing limbs and missing faces. A fellow could get down, and believe me, there were guys who deserved to feel sorry for themselves. But I drew courage from their courage, and from their patience. I figured, if they could put up with me, I could return the favor. I know for a fact people don't always think personal injury lawyers have hearts, but I learned working with those banged-up guys who were making the most of what God had allowed them to keep, that I had tons of heart – because it was always hurting on their behalf.

I took up woodworking in that place, and I still remember a cocktail table I built with my lawyerly hands. It was of honey oak, with a carved rose in the very center. Later in my life things would get so abstract. I look back on these days in the “tin can,” and the tactile events that transpired inside, with the

sweetest pleasure.

Everyone seemed to be on the side of Jon and Evie. The guys at the base connived to sneak Evie in with me for free meals, by double-punching the same hole on my meal ticket. Since I had buddies in the Quartermaster Corps, we lacked for nothing. Coal came to us by the truckload, and kept us warm in the chilly months, regardless of the soot.

Saturday mornings we would rent cavalry horses for a quarter apiece and ride up into the foothills, ambling along between the mountains and the sea. And I would tell Evie stories, and she would laugh at all of them, even if they weren't all that funny. We would unpack a picnic on the highest point, and tether the horses to the bushes while we toasted one another of our love and good fortune.

It is not possible to live a whole life without a golden moment at its core, a time when a kind of glow encloses you, and you have everything a reasonable man could require. And that is how I recall my months at Fort Lewis, setting up a home with my Evie. Every

dawn was good news and every night was good night. I know there are men who have never been in love, who have never known a period like that, when you feel like you are living in a fairy tale, and everyone's story was really your story. There was love abounding, and laughs to go around.

So when I was finally discharged, it was like someone clapped their hands while we were asleep. We woke up, sold off our stuff, hopped a train and rolled away for one last fling before going back to Wisconsin to study law, to the hills of Hollywood California.

What a joy that was. We had dinner one night with friends and bought a big bonito fish at the Grand Central downtown, and we were so happy we didn't notice it was cooked with cayenne pepper instead of paprika. It looked OK. But when we tasted it, our Midwestern palates were engulfed in flames. We gulped down all the cheap champagne I had bought, just to quell the fire alarms.

Afterward, we staggered out to the bus top and rode north on Fairfax Avenue until we could stand and stare

at the stars spread out above us, and the lights of two million happy bungalows beaming under the waving palms like a galaxy of families stretching all the way to the sea.

CHAPTER 3
**The things that caused us
to have character**

They were the best of times, they were the times we didn't have two nickels to rub together. When we got back to Milwaukee, Evie and I lived with her mom and dad, and that worked out well on the money side of things – I worked for her dad's parts place every day after school, and Lou was very enthusiastic about me hanging on there, even after law school. David Nemo, a fellow law school student, dropped me off at the parts place every day after school. Then on Saturdays I continued to sell shoes, to make extra money.

I tried to be a good sport about it, but to be honest it was hard living under my in-laws' roof. I so wanted to have a place of our own for my family, and sometimes this feeling pushed me into an ungracious light. But we had no choice in the matter, as apartments were scarce after the war, what with all the GIs pouring back into the housing market. It was still several years before they built up the suburbs to accommodate new families

like ours.

It was the last time until the depression of 2009 that families were routinely forced to live together under one roof. And whatever discomfort it may have caused us, my in-laws, and Evie's younger siblings, it also caused us to know one another, and to blend the two families into one.

I sometimes let on that I preferred my own mom's cooking to my mother-in-law's. And Phyllis didn't hide the fact that she didn't like finding my underwear on the doorknob. So the whole group of us all made a face when nobody was looking, and did our best to get along.

The soundtrack that year was Frank Sinatra singing “Without You,” and I remember taking Evie out to the Waukesha Ballroom on Friday nights, after I had closed the books for the week and switched off the study lamp, and we cha-cha'-ed and mamboed till our feet throbbed. It was swell to be young and in love, and every local orchestra played the Sinatra song – just for us, it felt like.

One spring day while I was attending classes at the university I saw something on the quad that caught my attention. About fifteen men, veterans of the war from the look of them, young but made older by their wounds, on crutches, limping, and a couple in wheelchairs, were lined up on the grass doing calisthenics.

It was the sort of sight that makes you rubberneck, but there they were, unafraid to be sweating and grimacing and flopping around in plain sight of everyone, and I could see why they were that way. They had a leader, a man maybe thirty years older, in tan suit pants and a sleeveless T-shirt, himself on crutches, swinging them in rhythm as he ordered the men about.

"Gentlemen, you've got to shake off that rust. No one's gonna feel sorry for you if you're already doing it for them," he said.

I stopped just a little too long to take in the scene, because the guy in the khaki pants came up to me with his hands on his hips, in a challenging pose. "Why don't you take a snapshot, it'll last longer," he said.

I admitted I was staring but from my days at Fort Lewis I wasn't squeamish around injured vets and I wanted this guy to realize that. "You don't often see a group of vets doing rehab calisthenics in plain view of so many coeds," I told him.

The man had to laugh. "I was just teasing," he said, and put a big farmer's hand out to me. "Tom DeWitt's the name."

DeWitt, I found out, was a lawyer but taught trial practice at the university. I signed up for the class in trial practice because I wanted to know more about the man. I learned that the man on the crutches was one of America's foremost trial lawyers. He was a paraplegic, from a nasty auto accident. I will never forget a little speech he made to us that first day in his class. My old spiral coil notebook reminds me that he wrote a simple phrase on the board behind him:

Be prepared!

The man had more energy than guys two times as able-bodied. It was amazing to me that he was so active, despite being a paraplegic. He didn't rest on his

crutches so much as use them to stay on the move, swinging them in front of him almost like a gibbon loping through the treetops. He was charismatic, but not in a showy way. Rather, you could see what was inside him by what was outside him. He seemed translucent to me, with good honest Midwestern light poking through his striped suit.

"To the casual outsider, the law looks like tricks," he said to us that September afternoon in 1948. "Just a great big ball of technique, and your job as your client's counselor is to know your client, to know your case, and to be more prepared than the guy you're going up against.

Beyond all the tricks and maneuvers and precedents and phraseology, DeWitt said, every judge and every jury, deep in its heart, is driven by a hunger for justice. "Lose sight of that and you not only lose your case, you stand an excellent chance in this profession of losing your soul," he said.

That was the only instance I can recall from my days in law school of hearing the word *soul*.

"There are too many attorneys out there who are just going through the motions. There are probably too many attorneys out there, period," he said, and we all laughed.

"Don't listen to what I say, but do pay attention to the judge and jury," he told us. "Keep an eye on the opposing counsel. Notice when he reacts to something I say, or that the judge says, or the witness says. See when he whispers to his assistant or jots a note down for later. That's where the real excitement of the trial practice occurs – seeing where the other guy is going in his argument, and taking steps to head him off at the pass.

"To be a good claimant's attorney, you have to be able to think what the defense counsel thinks, and to empathize with that. You succeed by understanding. We succeed because we pay attention to facts and to logic. People are not putty – they're thinking, independent-minded beings. And motivated by the challenge of dealing fairly with even the thorniest problems, as judges and juries are, people will rise to that challenge.

“For example,” he said, “never ask a question to which you do not already know the answer.”

"Learn the tricks," he summarized, "but don't forget what the tricks are there for – because these occasionally shabby tricks are how we resolve disputes peaceably, and keep the big gorillas from stomping all over the rest of us!"

“What convinces people is not the clothes witnesses wear or the language the lawyer employs. What sways them is convincing and sincere arguments.”

The talk mesmerized me. It hit me like a ton of bricks that the real practice was a feat of persuasion. That's what Tom DeWitt was telling us that day. The job of the lawyer is to pull people's thoughts in his direction – to “take a walk with them,” as I would someday say. I loved that idea, and it stuck with me all my professional life.

After class the other law students yawned, stuffed their notes into their briefcases and made for the exits. But not me. I went up to DeWitt and told him what was burning inside me.

"Mr. DeWitt," I sputtered, "I want to learn everything I can from you." Except my voice hung up for a moment and I started coughing.

"Easy there, young man," Tom DeWitt said to me, laying an immensely strong hand on my shoulder and giving me a reassuring squeeze.

I would have attacked a beehive with a broomstick for that man. A relationship sprang up that was to lead to a career. I had it bad for the kind of law DeWitt practiced, and he must have seen something of himself in me. At the end of the first year he gave me a summer job as a research assistant, and taught me firsthand how to lay siege to a law library, and to coax out of the stacks the most useful facts. I accompanied him on a variety of court appearances, lugging his briefcases with me

And when I graduated, Tom DeWitt kept track of me while I worked for Harry Lippman, advising me when I would get into a pickle. When I had my first successes in public trials, he would dash off a note of congratulations to me, and once, on the occasion of

Evie's and my anniversary, a bottle of New York champagne.

In case you missed it, I loved the hell out of the guy, and he loved me. He became my friend, my teacher, and my conscience as a lawyer – someone who always led me right.

That kind of gift is unrepayable.

It was years after I met Tom, and became his partner in his personal injury firm, that he explained to me one night at Dinty's Tavern, down in the mill flats, what happened to him that day in 1923. He was eighteen years old, and had hitched a ride in a fellow's old Ford, traveling northward toward the Canadian border. He and the fellow who picked him up were having a fine conversation, about the best kinds of pie, when suddenly the car veered into the ditch and flipped over, throwing Tom right through the car's accordion-top roof and into a culvert.

"It wasn't flying thirty feet in the air that broke my back," Tom told me, with a rueful twinkle in his eye. "It was sprawling on a patch of slag alongside the road."

The fellow who was driving was fine, and set out on foot to walk to the next town to get help, and poor Tom had to wait in a heap for two very painful hours until an ambulance came back. He didn't learn until the doctor examined him at the small city hospital that his spinal cord had been snapped like a twig. In the ditch he figured he was dying, but in fact it seemed like his fate was worse than that – a young man, he would spend his whole long life paralyzed from the chest down, unable to take two steps without some kind of prosthesis to assist him. He contemplated that fate in the hospital bed that night, and it was like tearing up a bookful of checks he would never get to write.

Of course, he was dead wrong. Tom DeWitt went on to become one of the most feared and most respected trial attorneys in the country. He used to laugh and say, "On the whole, I like being outside the ambulance, chasing it, better than riding on your back inside, groaning to beat the band."

Tom and I both loved to tell stories, and we loved the law. And we lit up many a lunch throughout our years together. He exuded a kind of hearty and honest

intelligence that was instantly attractive. There was bravura in him – a fiery spirit – but there was no bluster or guile. It was as if he had made a leap to maturity that no one else I ever met had made. And here is what it was: Tom wasn't all about Tom, the way most of us are involved with ourselves.

Most of us live in dread of that moment when we become a victim . When something happens to you though, when a car trailer flips over and crushes your spine, then the true test is underway. Are you going to live like a squashed bug the rest of your days, or are you going to do whatever it takes to get back on your own feet?

That's what Tom DeWitt did with his life, and it was what he was doing with the broken platoon of men who were wavering on the lawn of the university quadrangle the day I first saw him.

It was in law school that I met David Nemo He was a few years older than me, but something between us clicked. We knew we could do business as partners. I liked him because he liked to

laugh— I swear we could be at a funeral but if something amused him he would bust out like a fountain, it got him into trouble sometimes but it was a gift from God, I tell you. So even while we were hitting the books we were making plans for the kind of firm we would start together. We would work very hard all week, then play very hard on the weekend. We hit it off socially, too. We bowled, we dined out, we took in a movie, him and me and our wives.

Wednesdays and Fridays I was still a grease monkey, working in my father-in-law's parts place. For me it was a mental challenge, knowing where 100,000 different used auto parts were kept, everything from fenders to camshafts. We didn't have a fancy database or file cabinet. Everything was entered by hand, and in code not just anyone could crack. BU T 41 L told me it was the left-sided tailpipe for a 1941 Buick, but it would have been Chinese to 99.99 percent of Milwaukeeans.

But my father in law was like a bionic computer. He knew where every part was stored, no matter how large or how small – because he put it there.

The job could be dangerous, as I found when I pulled that Buick tailpipe down from its resting place on a high shelf over the storage shed. The thing slid down and struck me in the forehead and knocked me cold on the bare floorboards. For the better part of a half an hour all I could see were little airplanes circling my head, piloted by white mice.

I still have that bump, Evie says it gave me character, like I wasn't a character before that. But Lou liked having me around because he thought I was smart, and I liked having a little extra spending money, because we were expecting our first child, born in 1949, just in time for us to rent a one bedroom apartment on Finley Avenue, just across from the pickle works.

The place smelled like sea brine, but we didn't care, we finally had our own place, and a child, and soon after that, a television set.

My first experience in court came as kind of a mistake. I was working for Harry Lippman for a few months, and I was just out of school, so he had me running errands for

the most part, helping him obtain information about whatever divorces and personal injury suits he was working on at the time. Basically, I was like a paralegal for him – nothing too advanced. Now, Harry Lippman was always in a hurry, always running late, and always a little overbooked – it was just his way, to go through life in a kind of a tizzy.

On this particular day he was supposed to go to court to pick a jury for a major accident case. A cement truck ran into a client's car and dumped all the cement on top of her car, where it hardened, injuring the woman and making it impossible to ever give that old Chevrolet another tune-up. Harry Lippman was all set to barrel into the courtroom and commence picking a jury for the case, when he got a phone call he absolutely and positively had to take.

So he buttonholed me and said, "Jon, go down to the main courtroom and tell Judge Farquhar I'll be right with him, but first I have to consult with Judge Dillon about the Krenshaw case."

Which I did. I swallowed hard and stood before the

judge and told him that Mr. Lippmann was called to another case and would be down shortly. But the judge wanted Harry himself because he had a schedule to keep, and he needed to get started. So he eyed me up and down, and asked. "Are you a lawyer?"

"Not yet," I said, "but I have passed the bar."

"Well, you're a lawyer now, Mr. Gold," the judge said. "You pick the jury."

I yammered like Ralph Kramden as I tried to explain that this violated the terms of the relationship I had with Mr. Lippmann, but the judge would have none of it. So I picked the jury that day, and I was so nervous I might have picked just about anybody, I'd have picked Popeye, Olive Oyl and both Mutt and Jeff if they'd been queued up in the box. But they weren't, and everything worked out about right.

Despite my auspicious beginning that day as a barrister, picking a jury before I had any legal right to, my future was far from settled. I worked with Harry

Lippmann for two years, when David Nemo and I started a practice together.

David Nemo and I had a hard time nailing down cases. I went back to selling shoes for a while to put groceries on the table. For several months we took our backs down to western Wisconsin, around Prairie du Chien, selling roofing and siding in farm towns around Mason City and Antigo. It was honest work, and I was glad for the money. David and I made more that year wearing overalls than pinstripes.

Thanks to a bad hailstorm in the summer of 1952, with stones the size of plums, both our businesses prospered, replacing roofs and suing insurance companies to pay for them. The hailstones saved us.

We did well enough on both ends that Evie and I were able to acquire a brand new Pontiac, which Evie's dad was able to buy cheap, because it had its roof torn off when the transport went under a low bridge. Lou repaired the roof, and away we went.

Driving down Wisconsin Avenue in that car, we felt like a float on the Fourth of July, festooned with Kleenex carnations.

David's older brother Al owned a lumber company, and for several years had been purchasing materials from the wreckage of old army camps. This was happening at a time when America was rapidly building, creating new communities for the baby boom that was getting underway, and so the camp salvage was a real opportunity.

So Al went to work identifying and bidding on these military bases in different states, from Florida to the Pacific Coast, and introducing them to the wrecker's ball. And he asked me to be his lawyer. What the Indians did with the buffalo, Al and his group did with these old buildings, taking them apart piece by piece and salvaging anything that could be of value – boardwood, sinks, toilets, lockers, even the nails that could be extracted and melted down to make brand new nails. The benefits of this deconstruction were evident in the new America being built all around us.

Thousands of homes for returning GIs were erected from the structures Al's team tore down or blew up.

Al's enterprise was of a delegating nature, i.e., he didn't extract those nails himself, but subcontracted the sweat equity to other groups. But it taught me a valuable lesson – that where other men might see only debris, resourceful men saw opportunity, and took action, and profited.

This thought was to prove invaluable later in trying cases, where we learned to disarm juries by conceding the big, obvious things, but worked our way into their graces by establishing the little facts that big cases almost always hinge on.

"The loser makes the obvious points," David and I liked to say. Winners, by contrast, planted exclamation points in jurors' frontal lobes. We learned to see fresh, to think outside the norms. And accident victims found their way to us, each one with a sadder story than the other.

I liked working with David. Ours was a human-sized law office, and I liked his willingness to do whatever was necessary, and go wherever the money happened to be. He taught me the meaning of being an entrepreneur. And his brother Al taught me even more, how to be in the right place at the right time, and how to take advantage of every opportunity.

In 1953 I was still young at 28 and because Al was a wheeler and a dealer I was meeting all these preposterous people – killer lawyers in shiny suits, politicians with big cigars, and people from the shady side of things, the kind who were on the lookout for talent they could bring under their dark wings. If you've seen enough movies, you know the type I'm talking about. Al's group never did anything crooked. In fact, David and I represented the part of some criminal operations that were striving at that time to go “legit.” But the atmosphere, and the reputations of some of the people we became associated with, spoke for themselves.

I liked Al, but a lot of the time he was like that little red devil with the cocktail fork that perches on your

shoulder and makes leering propositions to you, and calls you a chicken if you bite your lip and ponder a suggestion too long.

One time Al asked me to to fly down to Florida to meet with some bigwigs whose activities, if I may be blunt, necessitated the frequent hiring of attorneys. I was a lawyer with knowledge of every aspect of law – probate, liens, contract, real estate, and therefore was valuable to these people. Irresistible devil on my shoulder that Al was, I searched my stomach and found I was all for the idea. It excited me. But I was unnerved, too – it was big-time stuff for a Midwestern kid like me.

We had been in Vegas a month earlier, signing some papers on Al's military base recycling business, so the real estate was familiar to me I met the famous Bugsy Siegel, the fellow who turned that patch of desert into the Disneyland for grown-ups that it became. For a while I represented Al on some minor matters involving Bugsy's Flamingo. How “in” were we with the infamous Siegel? Well, he paid us with blank checks. Siegel trusted us to write in the proper amount

ourselves. I remember wishing more clients could find their way to do business that way.

Another time, in Chicago, we met Jimmy Hoffa and some of his pals. Al had steered us toward some work for the Teamsters back in Wisconsin. Jimmy, who was close to Al, liked me, and had plans to make me his lawyer in Wisconsin.

I was never by any stretch a “gangland lawyer.” What happened was more like what happens to every good attorney. People who needed legal help and sought me out, found that I could deliver.

Watching the movies and reading the sensational headlines, you get the idea that people who live outside the law are uniformly creeps. That may be true in a lot of cases, but I recall seeing behavior that was more honorable than you sometime see in the upright world.

For instance, I had a friend named Gerry, who lived fast, drove fast, and died suddenly when he accelerated

his DeSoto into a sycamore tree one summer night in 1952. He was a young guy, a good friend, and I mourned his loss. Gerry also had some bad habits, one of which was playing the horses – or betting on almost anything, for that matter.

I was aware of the bookmaker Gerry liked to work with, a funny little fellow with a bent schnoz named Archie Dent. Archie took bets from the crème de la crème, but also from some pretty curdled cream.

So I'm at Gerry's memorial service, when who do I feel tugging at my sleeve but Archie Dent. Oh no, I think, Gerry's bookie is bugging me at Gerry's funeral. Gerry must be in hock to him.

Sure enough, Archie says to me, out of the side of his mouth, “Ya know, Gerry placed a sizable bet with me last Tuesday.”

I roll my eyes in exasperation. “Get in line behind his other creditors,” I say to him.

“No, you got me all wrong, captain,” says Archie Dent. “Gerry won – big!”

And Archie hands me a brown paper bag with \$15,000 in it. Which I presented to Gerry's widow at the reception, as a parting gift. The cash surprise was a very big deal to her.

I was so touched by the gesture that the next Thanksgiving, along with my children and in-laws at the table, sat a man named Archie Dent. I came to have a lot of respect for that man.

Of interest to me is the fact that the hoodlum Archie Dent's daughter went on to be a very successful lawyer.

So don't let it be said that crooks don't have their own code of ethics. Some of them.

Al caught me on the phone on a Tuesday morning in May to say, "Pack your bags and come down here. I'm sitting at the Tropics Bar in the Hotel Fountainbleu with Mr. Meyer Lansky. Mr. Lansky just told me about a deal I think might be interesting. And bring Evie – I've set aside a room for the two of you. "

So I flew down and settled into the room at the

Delmonico in Miami Beach, and Evie took off down the beach to collect shells. Al met with me at the hotel bar and laid out the plan. Al had handed me a signed blank check. “If the deal seems legally safe, you can make the decision to buy or not to buy,” he told me.

Between you and me, I told myself there was no way I would commit Al's money to such a purchase. Too many things could go wrong. I had no intention of venturing into a financial and legal swamp I had no experience with.

The job was to investigate an investment property in bankruptcy, that could be purchased for a song. I made the investigative trip by myself, flying to Orlando, where an associate picked me up and drove me up to Tavares. Eventually we arrived at the property.

How do I describe the property? It was grandiose but neglected. The estate spanned about 160 acres, on a huge lake, with ponds and gardens and trees hanging with Spanish moss, and a flotilla of flamingos ready to take off whenever a car rounded a bend. And the house, it was the sort of place William Randolph

Hearst would house his overflow guests, about twenty-five rooms, three stories, Doric columns, a skeet-shooting range, a bowling lawn, and a reflecting pool.

But what most impressed me were the trees. The road going in was flanked by a forest of 500 different species of palm. I felt I was in paradise.

Al had told me the original owner of this place was a manufacturer of umbrellas, which didn't make a lot of sense to me, but I could tell that, whatever he did, he made pretty good money at it.

I wound up talking to the owner's attorney under a grove of pecan trees and sipping mint juleps and rye whiskeys, and the owner's representative was very clear about the need to sell the property quickly, before his client began a period of court-ordered restitution in the Fort Leavenworth, Kansas area. I went back to the associate's office, and drafted a contract that assured Al that his investment was secure – we were especially interested in the citrus, drove back and presented, with trembling hands, a check for \$125,000 to the interested party.

It was a heck of a day, and I was sure glad to get back to Evie, who had amassed an impressive array of shells while I was doing business at the old manse. We boarded the first jet back to Wisconsin and that marked the high point of our life in among the semitropical elites.

Al was thrilled that we had done ahead on the purchase, and rewarded Evie and me with an extra week of Florida. Al resold the property later that year, and doubled his money.

That same year I took part in one of the most dramatic cases of my career.

One day a woman came to my office without appointment, begging me to help get her baby girl back. Her name was Alice Lawson. Already a mother of two boys from a previous marriage in Michigan, she had met a salesman from Evanston and became pregnant with his child, only to learn he was married.

I can still see Alice's face that first day I met her. A proud woman, intelligent and attractive, but fallen upon bad times, and now, almost 40 years old. She had

made the down payment on a house by the river, and was working long hours as an executive secretary to an insurance executive and on weekends worked as a cleaning woman.

The birth was a bad one – she lost blood and required many stitches, and afterward she was simply unable to cope with her own kids, the demands of the house, and the little baby. In addition, she feared that her ex-husband would find out about the baby and use the information as evidence of her unfitness to care for her boys. A counselor at Lutheran Social Services informed her of a program whereby, for a fee, she could put the infant in a temporary foster home, and reclaim it when health and finances permitted. Unwell and panicky, she signed papers putting the child into a temporary home.

As time passed, her health improved, and she was able to get back on her feet, both physically and financially. But the very day she inquired about reclaiming her daughter, the baby was put up for adoption and claimed by a couple from Sherman Park who were unable to have a child.

Alice was told that when she signed the papers she also had signed her parental rights away. Her baby was no longer hers. That was the day she showed up in our office, tears streaming down her cheeks, and a half-wild look of desperation in her eyes.

Child custody cases weren't my line at all, but to soothe the woman I agreed to call the judge involved and request that the baby be returned to the foster home pending the mother's application that she take her little girl back.

"Your honor," I said. "Miss Lawson is a responsible adult, a hard worker, a fit mother. We ask for consideration of her parental rights."

"I'm very sorry, counsel," the judge roared. "It's impossible. Once placed in an adoptive home, it is out of my hands, a *fait accompli*."

Everyone I called said the same thing: it was a dreadful mistake, but once made, it was unretractable. No amount of pleading or threatening could pry that baby from its adoptive home.

It was a bloody, horrible, harrowing, time-consuming case. Beaten in one court, I appealed to the next one up, until it was finally heard, and the state supreme court, at the end of this chain of appeals, found for the plaintiff. The ruling returned Alice's baby, now two years old, to her birth mother. Alice Lawson was overjoyed. I felt I had finally reached the position where I could use the law to its fullest extent.

But then everything went sour. The minister of the adoptive parents called and requested a face-to-face meeting before turning the baby girl – her name was Caroline – back to her mother.

"No," I told the minister, "it sounds too painful. I advise against it."

But the minister insisted, saying the adoptive parents wanted to pass on some of the little girl's favorite toys, and swap ideas about what she liked to eat, and so forth.

Finally I agreed to ask Alice Lawson, who nodded meekly. "Whatever you say, Mr. Gold." A meeting was set up, and the two sides agreed to appear at the min-

ister's office.

But at that meeting, with Ms. Lawson and the adoptive parents gathered in one room, along with the minister and myself, the adoptive mother crumpled at my feet, and grasped my leg with desperate, clawing fingers.

"Please, Mr. Gold, don't take away my baby," she wailed.

In all my years I had never witnessed anything so human, so heart-rending. These people did not deserve this pain. They were innocent.

"Take the child," I advised Alice Lawson. "I'm sorry, we need to leave."

The mother was actually hurting me while I pulled away, scooped the child out the door, rushed mother and daughter into the car and sped away, while the anguished wailing of the adoptive parents ringing in our ears. We dropped half the stuffed toys and packages behind us in our hurry.

A day of joy had become a day of nausea. I lay awake that night with the face of the woman groveling before

me, decimated with grief. I saw it every night. We are all of us this far from madness, and the law – well, the law is the law, and that's all. It is not God.

For years after this event, I made a point to follow Alice and Caroline Lawson. They did well, but the pain I experienced never subsided.

Despite the occasional drama, life felt good to Evie and me in 1957. I was chairman of the board of a brand new synagogue in Sherman Park, so I felt like a mover and shaker in my own community. Jews attending other synagogues would drive by, and you could tell they were impressed by the sparkling new building and beautiful painted glass.

The firm expanded, renaming ourselves Nemo, Gold, & Associates. We were doing well enough that we had a handful of junior associates fighting to become partners in a growing firm. After years of scraping by, making more money with other things than practicing law, we were starting to get decent cash flow. The phones were ringing, and we expanded our space.

Now, David Nemo did a raft of criminal defense work, and he was good at it, and that was a bit of a sticking point for me. I remember one case, where David was appointed by a judge to defend this kid who had had the bad luck to run over the president of the local bank. The kid was a knucklehead, but he was a kid. And when David was unable to flip the proper levers, off the kid went to Fond du Lac for four years.

It rubbed me the wrong way. I hated the idea that when you failed at a task, your client paid by occupying a cell with a bunch of predatory bad guys. You screwed up, but the client pays the price. Money cases, I could stand to lose. Watching a client lose his freedom was too much for me. I never really let on about this. I needed for people to see me as a rough, tough, chain-smoking son of a gun, a master of the universe, and if they knew how squeamish I was about losing clients to the penal system, that would be the end of me.

And for my money, personal injury was more exciting. No, you didn't have the drama of some poor drug addict who did something bad about to disappear into the system, like a wet stogie swirling down the toilet,

but you had this stylized game of logic and persuasion, and it suited me much more.

Because work, in that go-go period of my life, justified my existence. It meant achieving, it meant proving you were OK, it meant being fully American and fully Jewish, it meant putting bread on the table and the approval and gratitude of the people I loved, and I loved them dearly, even if the only way I knew to express it sometimes was to stay on the outer periphery of their lives, the outer orbit of their existences, and proving my mettle on the firm's bottom line.

Work meant having my revenge against all the people who ever made sport of my having my head in the books while other kids – the normal ones – were playing ball. Working meant deserving to live, you know?

And I'm not saying that these impulses were wise or correct – they almost certainly were not, in my case and in the case of so many other workaholics in the world, they were almost suicidal in their obsessive

fury.

But all the time I was doing it, it felt right. I felt unassailable when I was working. If I was winning cases and bringing in money, I was a hero. If I was getting my tail kicked and not winning my share of awards, well, at least I was working hard and no one could accuse me of slacking off. With all that sweat running down my forehead, something good was bound to come of it, right?

What happened was, I collapsed. One day I sat down in my office, between client meetings, and I noticed my hands were shaking. I put one hand on the other to stop the shaking, and then I had two hands shaking. Pretty soon I was unable to speak except in hasty bursts of syllables. I called Evie.

"Honey, I don't feel so good," I stammered.

"What is it, sweetie?"

"My head's pounding. I feel – confused."

What I was having was an anxiety attack, or what we used to call a nervous breakdown, and it was a scary

outcome from the run-amok days we were all living in, when there was so much opportunity and so few hours of each day. We pushed ourselves to the limit, then we pushed past the limit. then we broke up like I did, like Humpty Dumpty did, into a million pieces.

"Evie, what should I do?"

Evie knew what I was going through. "Inhale, baby. Take a breath. Then let it out again."

I lived a frantic life, but this was a great lesson for me in two ways. Number one, the inhale-exhale thing was so true – wound-up guys like me need to learn this when we are young, before it chews us to pieces. I got it, I would figure out a way to change. And number two, I wasn't alone, With Evie I was part of a team. And when my resources ran short, I had a wise and loving woman to scoop me up and put me right again.

We learned that we had to get away sometimes, to put my head back together. And these breaks have continued to serve us in good stead ever since.

CHAPTER 4

Adventures of a young lawyer

In those early days I was bound and determined to do everything I could to make the firm of Nemo & Gold a success. I hustled work to increase revenue, and I cut corners within the firm to reduce expense. One expense I tried to reduce was the cost of hiring process servers to deliver court papers into people's hands. In those days it cost from \$25 to \$50 to pay a server to run this errand. I did the math in my head and decided I could save the firm thousands if I delivered the papers myself.

And so it was that for about two years I would do my day's work, dash home, pick up Evie and our two kids, and drive around Milwaukee County, shining a flashlight on people's house numbers, knocking on doors, and handing over the (usually unwanted) documents.

To tell you the truth, we kind of enjoyed it. It was something we could all do together, and we could sing songs, and sometimes, if we were in the neighborhood,

stop for an ice cream treat at Kopp's. I estimate that I saved Nemo & Gold over \$30,000 doing this myself. Plus, gas was under a dollar a gallon.

But all good things come to an end, and our family delivery service came to a bad end.

One night in 1955, in the month of May, I planned to make a personal service of court-ordered divorce papers on a man named Harvey Ritterman, a carpenter by trade. I remember the case very well, because his wife Stella had indicated in the interview that he was “a piece of work.” But somehow I got the idea that having my family waiting in the car behind me made me immortal, like Achilles.

I knocked on the defendant's door. Mr Ritterman opened the screen.

“Are you Harvey Ritterman?”

“Whatta you want?” he asked. He was red-eyed and, though it was only half past seven, already several sheets past windward.

“I have something for you,” I said, and displayed the

court order and handed him a copy.

Ritterman turned out to be a fast reader, because in less than five seconds I looked up and saw his balled fist coming straight toward my lower lip. He hit me as hard as he could, and I fell back, down the two steps of the walk-up, and went sprawling on the grass. I nearly clonked my head on a big red hydrant.

I looked up and saw several versions of Ritterman drawing closer to me. But I also saw several versions of Evie advancing toward him, baby daughter in her arms, and letting Ritterman know in no uncertain terms that this fight was over.

I spent two hours at Milwaukee General having my jaw looked at. Nothing was broken except for my lower lip, which had swollen as big as a persimmon – and my confidence, which was shattered. I never served a summons again.

One thing that started early in my career, and continued to develop and become more important as I went along, was my participation in legal associations. These associations

were very serious affairs. They limited their membership to 500 trial lawyers worldwide, from all the major practice areas, and the work they did around the world was really very important, bringing the rule of law, and the best standards of practice, into every nation.

So of course I was happy as a young lawyer to be invited to join. It meant you were serious, and not just in the profession to make money. In those early days, my participation was limited. I took a strong interest in legal ethics, and I was regarded as one of the straight shooters in the region, one of the guys who wanted lawyers held to the highest possible standards. To me, it wasn't just good business to do this, it was my way to pay back a little to the profession that had been so good to me.

Another area that called to me was reform. In my time I participated in several initiatives to change the way law is practiced and applied in our state. I testified in front of the state legislature, speaking up for what I knew was right, for the public and for the profession. Three causes that meant a lot to me were:

- Repealing the death award limit of \$10,000. can you believe that as recently as 1970 you could sue for \$100,000 for a lost arm, but only \$10,000 for loss of life? The death award limit was a dinosaur from the old days. I can remember when it was even lower, \$7500. It made no sense, so we spoke up and had it repealed.
- Including “loss of consortium” among the kinds of claims one may make. Before, if you lost your wife in a car accident, you could sue for medical bills, loss of income, and traditional losses. But you could not sue for the greatest loss of all – a loved one. Including loss of consortium allowed judges and juries to factor in the value of loss of companionship, and even sex.
- Removing protection from litigation from state government. Believe it or not, until the 1970s, our state was immune from prosecution for accident claims – on the grounds that the people shouldn't have to pay for injuries caused by the state. This meant hundreds of injured

people had no legal recourse. I was one of the leaders in fighting to have the state treated like any other institution.

There was one investigator that I felt especially close to. His name was Billy Soames, and in the hard-boiled world of insurance investigations, he stood out like a pink teddy bear. When I first met him he was working as a probation officer for the county. He was looking for a career change, and I saw that he was a good man and hired him to be investigate local litigations. He didn't handle any of the heavy-duty railroad cases I handled.

Billy was just about the gentlest soul I ever knew. He was naturally shy, and was prone to blushing, and once he started blushing he could not stop but went all the way to maroon.

You did not tell an off-color joke around Billy or he might stop breathing. I tried not to send him out on the bad blood-on-the-tracks cases because he was just so sensitive.

It fills me with sorrow to remember that this gentle guy would come to a bad end because my own troubles – my indictment and trial – tripped him up, too. He was so decent, and so caring – the idea that the authorities targeted him as some kind of cheater, a crook, just broke his tender heart in two. More about Bill Soames later

Nemo & Gold grew to the point where we took on lots of associates – we were a firm of 10-12 lawyers. Among them was a named Spacey, along with a fellow who has already appeared in this story, young Donald Putterman.

Putterman didn't know it, but he had been on my mind for a long time, ever since the day, as a newspaperboy, I leaned on my bike across from the Putterman household on Nock Street, and saw Putterman's dad escorted out the front door of the family house in handcuffs.

The father would serve an 18-month sentence at Fond du Lac for embezzlement of funds from the company he did accounting work for. He'd gotten in trouble

financially and thought if he just took a few dollars and then put them back a week later, no one would ever know. And that little miscalculation about money and human nature ruined his life, and I think his boy's life as well.

I was 13, and Donnie Putterman, standing on the top step with a look of horror on his face, was only 10. But I sensed at that moment that his fate and mine were going to swirl together over the years. Little did I know just how fateful, or how nearly fatal.

Did I feel sorry for him? I suppose so. I think I just wanted him to have somebody on his side. I had always benefited from the helping hand of others. It sounds presumptuous but I think I saw myself as a kind of alternative dad to him, even though he was only three years my junior. Big brother might be a better way to say it. Someone who looked out for him.

I subcontracted with Donald to handle 20 accounts on his paper route – just Nock Street and upper Kinnickinnick Avenue, but enough to bring in a few

quarters every week, and enough to make me a welcome guest in the Putterman home. I knew how to do the work, so I provided just the clarity Donald needed to pull himself out of shock, and get to work.

And when Donald Putterman graduated from Loyola University Law School six years later, I was there at the ceremony, with congratulations and an offer to come to work for Nemo & Gold, Attorneys.

Nemo bolted, he never signed firm agreement, No will do.

Took one secretary, one lawyer, and started over again.

For many years the firm thrived. Then David Nemo met a woman, divorced his wife and lost interest in the law. In his distraction I was left to run the office and take charge of these young associates, and build them up to be ready for partnership. Two of the attorneys, Space and Putterman, were ready to leave if they were not promoted. I felt I needed them, with Nemo absent from everyday activities. When I moved to give them partnership, Nemo balked. "He will never be a partner of mine," he wrote on a note on my desk.

Spacey wasn't the problem, I knew. My protege, Putterman, was.

And just like that, Nemo bolted from the firm.

One dream had always drawn me on, and that was to be partners with Tom DeWitt. And one day, shortly after I came to a parting of the ways with David, the phone rang. It was Tom.

"Jon," he said brightly, "I was just looking out the window and I had the greatest idea. Why don't you come to work with me and Emerson here?"

He was offering a full partnership.

I have already described my admiration for Tom DeWitt. The guru of railroad lawyers, a master of technique, a seducer of juries, a tormentor on examination and cross-examination, respected and admired by judges and the state and federal bar

Worthy of equal consideration was the new experience I would be getting. DeWitt & Emerson were the

sweetheart firm for the International Rail Workers, headquartered in Chicago. All the big personal injury cases involving railroad employees were handled by DeWitt & Emerson. Not an accident happened, along 80,000 miles of American track, without DeWitt and Emerson getting a shot at the case.

You need to understand that railroad law is different from regular law. The industry was specifically exempted from the workers compensation laws passed in 1906. That meant that people who worked for the railroad who got injured on the job did not have the recourse other workers did. This was a major mission, as rail workers experienced about the worst injuries of any industry, sometimes being bisected by steel wheels. They were in desperate need of legal protection.

So the federal government passed the Federal Employers' Liability Act, or FELA. which provides that a common rail carrier "shall be liable" to an employee who is injured by the negligence of the employer.

So railroad employees had their own venue for

obtaining satisfaction. It was a venue that attorneys like Tom DeWitt had turned into a very profitable industry. And now Tom was inviting me to join him. I felt like a "made man." I felt I had been invited to the top of the mountain.

I accepted the invitation over dinner at a Mason Street steakhouse, on one condition, that I be allowed to bring along my protege, Putterman. I had just hired him for my firm and I felt responsible for him. I knew that Don was no trial lawyer, but he had shown aptitude as a negotiator, and the law always needs those skills at the bargaining table.

Putterman was – well, he had cunning, a trait I valued at the moment, though the day would come when I would regret it. I thought Tom would accede to the request, and I was perplexed when he said no, very firmly. Alan Emerson, Tom's level-headed partner, and a great lawyer in his own right, wanted to know why I wanted this guy. I tried to explain.

I dug in with my demand – if Dewitt & Emerson wanted me, they had to take Putterman, too. And so I

talked Tom DeWitt, my own father figure, into offering my son figure a job.

Tom DeWitt shrugged across his mahogany desk. “All right, Jon, bring the kid in with you.”

It was no small favor, bringing Putterman along. To make space for Putterman, the firm had to rent an office three stories up in the MacArthur Tower for him, and I spent three years on the phone upstairs communicating with his aide.

What kind of partner was Tom DeWitt? Let me illustrate. One time we got a bill from a fellow we hired to do some work for us. The bill came to \$10,000, which seemed way over the top to anyone who knew what the guy actually did – it was a minor consultation.

No one liked this man, a shadowy, creepy guy with pop-bottle lenses in his spectacles, and a sinister, slurry way of talking. He was the sort of guy you could imagine being raised by rats in a sewer. Everyone in the office, me included, gave him the widest of berths. We had a brief meeting in Tom's office about it.

"Let's just stiff the guy," argues Putterman. "Ignore his invoice altogether.

Or send him twenty-five percent, so he gets the message," says Don.

Tom thinks about it for a few moments, tapping his lip with his pencil eraser. Then he hauls the partnership checkbook out of his top drawer and starts writing a check. For the full \$10,000. He tears it out and hands it to me.

"But why, Tom?" I ask him. "Why pay this guy so much for garbage?"

"Because," Tom says to me, "I don't want to get into a pissing match with a skunk."

He was a gentleman's gentleman – by which I don't mean he was a butler, but he was class all the way to his bones, the real deal. He paid his bills even when he didn't want to, and so word got around that Tom was someone you could always do business with. He was a guy who meant what he said. And could always be trusted.

In the new office, Don Putterman functioned as my cheerleader. . But we were not alike at all. Where my talents lay in my straightforwardness and my drive, Putterman was harder to read. He was clever, an actor, it sometimes seemed to me. In discussing new cases Putterman could jump from perspective to perspective, pro and con, with remarkable mental agility, and appear to be completely sincere and committed to each position in turn.

He could be funny, and could sometimes save a dull party with an edgy joke. He once told one about two brothers in Fenway Park that sent everyone out into the night to their cars, still laughing.

“Sorry to tell you, O’Neil, but you’ll be pitching Friday’s game,” was the punch line with a spot-on Irish accent.

But humor could backfire, too. Many of his jokes came at someone else’s expense. I remember one night, conversation turned to the senior partner, who was not present at the party, and Donald took off on Tom – with surprising malice.

“Tom is being equipped with mag wheels,” he joked.

“And he's having those reverse beepers on the rails, because he's paralyzed from the nipples down.”

Everyone had had a drink or two, yet still they recoiled at the image. It was when people were making those terrible “dead baby” jokes, and maybe Putterman thought this was funny. But it was appalling, and it showed a dreadful miscalculation, that the people in that room, who had all benefited from Tom DeWitt's courage and kindness, could possibly think Tom was a figure for sport. Putterman had revealed far more of himself than of Tom.

Don Putterman had no hesitation to stick his knife into another man's tire, not even the man who paid his salary, and who had had the poor fortune to be thrown out of a speeding automobile.

Everyone took note, and everyone took care, because if Putterman could say such a thing about the man who had given him his living, who fed his family their daily bread, who was safe from his rapier wit? Who else was he betraying for a laugh? That was Don Putterman in a nutshell – hungry for attention, but colder than freon.

The problem I had at my firm was that I was in many ways more like my investigators than like the other attorneys. I too was on the road most of the time, meeting with union groups, cases in faraway venues, sitting up late in Holiday Inns going over my notes, and coming home with my share of soup stains.

And while I was on the road bringing in revenue for the firm, Don Putterman sat in the home office, kibitzing with the younger attorneys and building support among them. To express it bluntly, I was the hunter-gatherer, while he stayed home and polished the silverware. I was the warhorse, he was the politician. While I was out making money, he was networking, creating a power base within the firm with sense of loyalty between him and the ambitious young Turks in the office.

Looking back, I think this scheming quality of Don Putterman's was what Tom DeWitt identified immediately in Putterman, and tried to warn me against.

I once overheard one of the wives whispering behind Putterman's back. "When he talks, you half expect his tongue to poke out of his mouth, like a serpent!"

DeWitt and Emerson endured the slimy young attorney only because of me. But it was me who took the time to groom the younger man for a career in the docket, me who took him to task for slip-ups, me who stayed up nights finishing Putterman's next day's work, and lectured him about the necessity of better planning and follow-through.

But something was missing. I was your basic workaholic type, spinning like a tornado in a cloud of cigarette smoke, while Putterman was more of a lost lamb, bleating in the high pasture. By nature I shouldered responsibility. By nature Putterman sloughed it off. As the saying goes, he may have gotten straight As, but he flunked life.

Not that he was without certain skills. Putterman gradually took on the job of my press agent, screening requests for interviews at first, cultivating invitations to address groups, even inviting in a film crew for a

segment on "the Midwest's hardest working attorney." I was embarrassed by the attention, but gratified by my lieutenant's apparent loyalty and affection.

But in 1969, five years after Putterman and I boarded the DeWitt & Emerson ship, the ship hit the rocks. Tom retired to the Southwest, as expected, but Fred Emerson was diagnosed as terminally ill. Within eight months he was dead. The two were the only attorney connections the firm had to the railway workers union – so I had to learn the business overnight, or else watch the firm vanish into air.

I never did railroad work for DeWitt & Emerson until both DeWitt and Emerson were gone. We still had great investigators on staff, like Sam Johnson, and Sam knew everything. But on the legal side, I was the only guy. He went with me whenever I went on the road, because he had the connections. Without Sam, I would not have been completely up the crick.

DeWitt had been considered the top lawyer in the country for bringing cases against the major railroads.

He had solid connections to the union, and they funneled many of their accidental injury cases to him. So in the course of any given year Tom would sue for a man whose legs were lopped off by the rolling wheels of a boxcar, the family of a man who got caught between two connecting cars and was crushed to death, or an entire group of men who were exposed to dangerous amounts of coal dust and had all come down with disabling degrees of emphysema.

Now, people today may get the wrong impression about how personal injury was practiced back in the day. Today you see commercials during the soap operas inviting people with any degree of grievance, no matter how imaginary, to call their phone banks, talk to a paralegal or receptionist, who screens them and adds them to the queue of daily litigants. Personal injury works a little like a factory, with ranks of professionals processing cases, suing, and obtaining their contingency fees.

But in my day, and in the day of pioneers like Tom DeWitt, firms were still quite small. Tom's firm was never bigger than five lawyers – we could strategize

around a card table. In those days, you were put to the test; you had to win a number of big cases before insurance companies would offer to settle with you out of court. And when you went to court, it was you all by yourself up against a phalanx of insurance defense lawyers, each one a master at one phase or another of the litigation process. There were no "gimme's," and you had to earn every dollar, sitting up all night preparing and then working all day. .

And I left out the most important part. Your clients were genuinely, truly, and authentically hurting. This was no game. People's lives had been ruined by something that happened to them in the course of their daily work. Their bodies were crushed, their ability to do the simplest things were forever taken from them, their very lives disappeared in a single gruesome moment, leaving families and small children uncertain where their next meal was coming from.

It was life in all its desperation, and sometimes the only thing standing between human beings and total ruination was a guy like me in a dark suit and shiny shoes. It was great when you had a good day, but it was

worrisome almost every other moment.

My first railroad case was also my most memorable one. It happened a month after Tom retired, and within a few days of Emerson's sudden death. That left me as the sole remaining alpha dog in the firm, to take a case to be tried the following Monday morning in Birmingham, Alabama. A black brakeman for the Macon-Austin Line, who made his home in Tampa, had injured both his back and both arms, with partial amputation of one hand, and now, unable to work, was suing the line for personal injury, wages lost and future earnings.

The brakeman, Bill Robertson, operating on his own behalf, had mishandled his claim dreadfully, trying to settle it all by himself – the railroad had offered a paltry \$50,000, insinuating it was Robertson's fault and they really owed him nothing at all. Robertson had seemed eager to settle for any sum after that. To him, a sure \$50,000 was hard to turn down. But his local union chairman urged him to give us a call and DeWitt Emerson & Gold was retained. We elected to try the case in Birmingham, not the city where the accident

occurred, but which had tracks from that line going through it. It was also considered a relatively progressive city, with a cross-section of hard-working people.

Well, here I go, I thought. I took the next plane south and spent the late afternoon patrolling the streets of Birmingham, gingerly making my way through the crowd of tiny-eyed, white-shirted white people and downcast blacks. I gazed at the red-dust sky over the blast furnaces, and strolled the streets of the city made famous during the civil rights movement of the 1960s.

I had supper with Robertson that night at his sister's home on the east side of town, in the black neighborhood. I tried not to appear uncomfortable as the man's sister loaded his fork with chunks of fried catfish and rice, and gently fed him. I pictured this big strong man, with his massive arms and docile smile, being cared for like this for the rest of his life.

Afterward, I went walking again, enjoying the evening's cool reprieve. Before returning to my hotel

room I stood at the foot of the steps leading up to the Harrison County Courthouse, pondering the challenge of the next day. I slept perhaps three hours that night, bounding out of bed every few minutes to jot down a note to myself, or to pace the carpeted floor, putting myself in the jurors' place, imagining the events of the day to come.

Let me tell you about the trial. I think it was my finest hour.

It lasts four long, hot days. On the morning of the fourth day, at my summation to the jury, I stand in the crowded courthouse, looking about me at the faces – in the gallery, in the jury box, on the bench. A sea of damp, mostly white faces.

The opposing attorney was a gigantic man named Buster Burlison III, with a shock of bushy white hair, four chins, a cream-colored vest, and a golden watch hanging from it. He was like something from a movie. He played on every local prejudice. “Friends, this man Jonathan Gold was sent by the unions up north to tell us how we here ought to dispense justice. They think

they invented it up there, and that they are delivering it to us now like the fires of Prometheus.

Burleson continued: “Doctors have told you he is perfectly able to do some kind of work. The investigators said the accident was Bill Robertson's. He wasn't paying attention, or he would not have put his hands in such a vulnerable position. For all we know he might of been drunk as a skunk, and now wants us to pay for his mistake.

“So why don't we send Mr. Gold back up north where he belongs, and he can agitate all he wants up there, as his kind are wont to do. Birmingham belongs to us, and we know the right thing to do.”

What Burleson was trying to establish was maximum contributory negligence. If he could convince the jury that the injury was entirely Robertson's fault. The greater Robertson's responsibility, the smaller award he could expect.

Burleson pushed every button that could be pushed. And now I had to push back.

I finger the cufflinks Evie gave me back in Milwaukee. "Wear these for luck," she told me. Magic cufflinks! The thought makes me smile, just thinking of her, and I can feel my confidence start to swell. I am not alone, I remind myself. With the love of a good woman, a man never is.

I am also wearing my lucky blue suit.

"Ladies and gentlemen," I begin my summation, "I want to thank you for the welcome you've shown me here this week. Despite your deserved reputation for warmth and hospitality, I am a little worried. I am worried if I have presented you with the evidence in a manner that is most acceptable to you.

"After all, here I am, an outsider, a northerner, in an Alabama courtroom. Sitting to my right is the plaintiff – a black brakeman from Florida. I brought in a qualified doctor to testify on our behalf, who evaluated Mr. Robertson's capabilities in the future. .

"And over here the defendant, one of your own, respected local employer and winner, as my esteemed colleague Mr. Burleson has pointed out, of last year's

Corporate Citizen of the Year Award.

"And I look around the courtroom, at your faces, and a little voice behind one ear, without moving its lips, is telling me 'Jonathan Gold, hey – has it occurred to you that you might be in the wrong place?'"

My approach appears to be working – I can detect hints of smiles on nearly half the faces. Now I have my pinky-finger in the door toward winning their sympathy. That's my lever. Before morning recess, it's my intention to have that door pried wide open, and to have sympathy, empathy, and fellow feeling rushing in the direction of my client.

I press on. "Of course, little voices are always there, tiny fraidy-cat voices behind my ear, maybe behind yours as well. They tell us to move on, to get out, not to stick around where you don't belong. It's fear, and it's a nifty defense mechanism. It helps keep us out of dangerous situations.

"But last night, I told the little voice to take a hike. Last night, I took a walk through your beautiful city. You know, it's a remarkable place. Good people. Terrific

values. You may not be in touch with it, but let me describe what I saw. I read the inscriptions on the statues. I saw where people worked, went to school, and had a cup of coffee.

"But the thing I remember most was the outside of this very courthouse. There's a flag flying out there, I'm sure you know. The flag of the United States of America – the same one that flies over courthouses in Tampa and Milwaukee and Atlanta and everywhere else in this country of ours. And there are also some words chiseled onto the building we are meeting in right now. Has anyone stopped recently and read the words inscribed up over the pediment outside? This is what it says:

EQUAL JUSTICE
FOR ALL PEOPLE
OF ALL PERSUASIONS

"Well, my friends, you know that little voice that was peeping in my head about not having a chance among you good people? That inscription shut the little voice up but good. That's when I knew that I have a chance

with you folks, and that Mr. Robertson here has a chance. Maybe it takes a stranger to see these things you folks may take for granted about yourselves. If so, here I am, and I'm telling you who you are and what you stand for, deep down where things matter most."

I expected to win, and indeed, I won. What made me happiest was that the jury awarded the full amount I asked for – \$1.75 million. And they found the railroad to be entirely to blame for the injury. A far cry from the pittance the railroad tried to railroad Robertson into settling for. Robertson cried. His sister kissed me from ear to ear. The railroad industry was put on notice that, just because DeWitt and Emerson were personally gone didn't mean injured rail workers were without a champion. Because they've got Jon Gold on their side, that's why! Whoopie!

I returned to Milwaukee with a spring in my step. For that one day the law seemed perfect.

Other days were not so great. Let me tell you about my second case, likewise involving a black railroad worker, this time in Virginia.

The case was tried in federal court in Alexandria.

The judge – well, let's call him Judge Appletree – had been appointed during the Eisenhower administration, and now it was 25 years later, and I think time -- he was 90 years old and still banging the gavel -- had done a number on the man.

Judge Appletree called us into his chambers and asked what was what. The insurance company wanted to settle for \$25,000. I told him we were looking for a judgment in the area of \$150,000. Judge Appletree wanted to settle it right there, on the dime, but I refused. My client deserved a trial.

“Let me tell you something, Gold,” Judge Appletree glowered at me. “I don;t have time for this,” he complained bitterly.

Inside the courtroom, the man was agitated and capricious. From the moment I walked in, Judge Appletree was all over me, interrupting, scolding, even mocking me. During jury selection, he took over and named the first nine people as the jury. “OK – you, you, you and you – you're on! The rest of you, beat it!”

Everyone could tell Judge Appletree was out of his tree. I learned later he was having almost every case he decided thrown out on appeal. But for the time being he was still in charge, and a my client's health and welfare swung in the balance.

When I began my opening statement, Appletree cut me off. "Get on with it, Gold. I haven't got all day!" And he made these statements right in front of the jury that I needed to persuade. I never had a chance.

My poor client, who was just trying to be compensated for a bad back injury he had sustained on the job, rolled his eyes when he saw the dynamic between the judge and me.

Sure enough, the jury took the judge's attitude, and they decided the case before I was even able to collect my papers and leave. We lost.

There was a consolation at the end of this ridiculous trial, however. The insurance company, sensing that the trial was off-kilter in their favor, and that there would be a retrial – they were right about that – offered my client an improved package – a \$50,000

settlement. My client leaped at the offer.

So even a bad day in court could turn out all right. Sometimes.

Apart from the occasional Judge Asshole, railroad cases continued to be like beefsteak for the firm with me at the helm – juicy and profitable, and always there for me to sink my serrated-edge knife and fork into. They took me from one city to the next, arguing for injured workers, deciphering jury after jury, until the thirty percents were like rote, and the cash flowed like wine.

I didn't do this alone. I had investigator Sam Johnson as my right hand man on these trips, and he was just the perfect guy to lead me through them. Sam was old school. Though he was a professional man, you might not have thought that about him. He exuded a hearty blue-collar way.

He was a hard drinker, had a bad mouth, and got along well with rail workers and union leaders, toasting their success and examining their baby pictures. On my own, I would have tried to fit in with this crowd, and

done OK – for a lawyer. But Sam was born to this role. He had the gift for walking with everyday people and talking sense to them. I can't describe how grateful I was during that period for his foul-mouthed example.

Speaking of Sam and the investigators, I need to say a word about the chemistry of the firm of personal injury law firms.

A personal injury firm is made up of the back office, the attorneys, and the investigators, who do the legwork underlying each case. Attorneys tend to have a good deal in common with the lawyer jokes you've heard – they are well educated, highly competitive, a little glamorous, and very well compensated. A successful attorney has a healthy ego and is almost visibly pleased with himself.

(I use the male pronoun here, because in my day most lawyers were men. But the women lawyers I knew were not entirely immune from this description.)

The investigators are another breed entirely. They are much more blue-collar in their outlook, typically less educated (but just as intelligent), they spend a lot of

their time on the road, and they can often be identified from the soup stains on their ties.

The two groups are as different as champagne and beer. People in each group tend to cluster with one another. Lawyers are the elite, and the investigators are front-line.

Along with prosperity came the problem of managing the pace. An ambitious young attorney like me learns the hard way how to regulate himself. Before I knew it I was in the thick of my practice, and I was doing everything at once. Appearing in court, taking depositions, cultivating clients, staying up late in the library hunkered over books.

They say Jews have a low rate of alcoholism statistically, compared to other nationalities, but I will tell you this, that we more than make up for it on the other end of things, by throwing ourselves into our work with as great a frenzy as any drunk left alone with a bar full of bottles.

Practicing law successfully meant everything to me. I

loved my family dearly, but in all honesty, I was better at the law. I knew the law cold.

Being a husband and father was scarier. Work never caused me a moment of fear of indecision. I never minded pulling all-nighters. I didn't object to 18-hour days. I didn't mind working long weekends or taking phone calls when ordinary men were slicing up brisket with their loved ones.

Because work, in that go-go period of my life, justified my existence. A man who had three secretaries working just for him, the way I did, was a man of substance, a man of note. It meant achieving, it meant proving you were OK, it meant putting bread on the family table and the approval and gratitude of the people I loved – and I loved them dearly, even if the only way I knew to express it sometimes was to stay on the outer periphery of their lives, the outer orbit of their existences, and proving my mettle and making money.

I was a mess, but kind of a glorious one.

Work to me meant having my revenge against all the

people who ever made sport of my having my head in the books while other kids – the normal ones – were playing ball. Working meant deserving to live, you know?

And I'm not saying that these impulses were wise or correct – they almost certainly were not, in my case and in the case of so many other workaholics in the world, they were almost suicidal in their obsessive fury.

But all the time I was doing it, it felt right. I felt unassailable when I was working. Even with the large staff I surrounded myself with, I knew I was facing collapse. If I was winning cases and bringing in money, I was a hero. If I was getting my tail kicked and people weren't paying me, well, at least I was working hard and no one could accuse me of slacking off. With all that sweat running down my forehead, something good was bound to come of it, right?

You will remember that when I was a younger attorney I got into trouble from overwork. I was so excited about the work and tried to do everything myself. But

I overdid it, and like a car with a boiling radiator, I had to pull over and rest.

That problem began to come back, in a different way, as the firm grew. Now we had a team of as many as a dozen lawyers. We were handling scores of cases at a time. Checks had to be signed. There were meetings in town, and meetings around the country. We had employees in three states.

This time I wasn't overworking because I was foolish. Now I was doing it because the business had just become so complicated, there was just so much to do – and some tasks just cannot be delegated.

So my health began to spin out of control again. Before the solution was to get away on law junkets – to travel with Evie in ways that were still work-related, but kept me from burning out.

This time, in the 1970s, we went a step further, and just left the office behind and had fun. Over the years we traveled to Europe, and Asia, and South America.

These trips didn't change my essential nature. I was

still a hard-driving guy. But they softened me up, they allowed me to see a world of beauty I had missed with my head in my lawyer's valise.

I learned to smell the roses. And you know what? Roses smell terrific.

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My relationship with Putterman has always been one of the hardest things for me to explain. We were never really friends. He was never someone I confided in, or relaxed with, or looked up to in any way. He was not a better lawyer than me in any way – in truth he was on the lazy side, ducking out on opportunities to score, often unwilling to take cases to trial.

Looking deep into my own heart, I'm afraid I hired him at Nemo & Gold, and brought him with me later to Tom DeWitt's firm, and finally, catastrophically, into my own practice, for bad reasons.

The first bad reason was inertia – having taken him under my wing, I felt I owed it to him to keep him there, spoonfeeding him his career, carting him from office to office, hanging his plaque for him on the walls, preventing him from failing at every step.

Mention again getting him another office – he was a

The other bad reason – and this one is the worse of the two – I think I brought him along to establish a mediocre baseline, against which I would always look good. They say stars shine brightest when they are among the dim. And from a legal standpoint – academically, rhetorically, ideologically – Don Putterman was pretty dim.

In his favor I will say for him that he was a hell of a golfer. I once saw him sink an eagle driving into a 50 mile an hour wind. If life were golf, Don Putterman

would have been a mighty hero. If his brain ever gave out, and his cleverness deserted him entirely, he would always have his three iron to fall back on.

CHAPTER 5

The shield that failed ten thousand times

One wet spring afternoon in 1976, I received a call from a Felicia Richards in Milwaukee.

"Mr. Gold, I need to speak to you about a personal matter."

"Come visit me this afternoon, at two," I told her. I remember being intrigued by the tone of her voice.

Miss Richards stepped into my office and it was almost like those scenes in the noir detective stories. The secretaries and paralegals in my office all caught their breath, and knew a new kind of fish had swum into their midst.

She was beautiful, slender and dark-eyed, as if she spent much of her life in tears. It was a look that all men, even men's men, are suckers for. As my father once told me, man's greatest desire is to make women smile, to lighten their spirits and earn their approval. I

would guess Miss Richards was well aware of this subtle power she exerted over men, like the influence of the moon over ocean tides. She moved this way, we moved that. And when she moved this way toward my office door, I followed after.

All thoughts of Evie and my four children vanished.

"So what is this intimate matter?" I asked her, once the door was closed behind us.

"Five years ago," she began, "I married a very successful man who didn't want me to have children at first. He wanted his career to be the child in our marriage, and me to nurture it, and him."

I swallowed guiltily. I had a career. What was it I did again?

"I went to my doctor, Dr. Neil Petty in Brookfield," she said. "I told him I didn't want to use the pill. he prescribed something new for me, an IUD called the Ramsey Shield. Do you know about this?"

I nodded. I knew birth control existed, and I had heard of IUDs generally, if not the Ramsey Shield itself.

"Dr. Petty inserted it for me right then and there," Mrs. Richards said, while I listened, chewing on my pencil eraser at the thought. "The Shield looks like a crab with a long, threadlike tail, and the tail is supposed to prevent impregnation. I went home, assured that I had the latest, safest approach embedded in me. I need not ever fear getting pregnant."

I began doodling on a scratch pad – a picture of a crab with a long tail.

"For a year and a half everything was fine. Then, in April of 1973, I learned I was pregnant. At first I was excited, even though I knew my husband would not care for the idea of a child in our townhouse. But when I went to see Dr. Petty, he expressed some concern. He told me there had been some reports of complications from the Ramsey Shield, but I probably had nothing to worry about.

"He suggested it might be better to keep the shield in during pregnancy, so I did. As I understand it, as the baby grew inside, my uterus engulfed the device, and the knotted thread led to an infection. I didn't feel right

away, but it is now apparent I was having problems.

"For weeks I felt sick, Mr. Gold. I was terrified I would miscarry. Harry, my husband, was in a foul humor about the baby, and we fought. It was my sixth month, and I already loved my baby. I remained in bed all month, and I lost my job as a greeter at Cartier for being away so long. In the seventh month I went into labor prematurely, and delivered a three-pound baby boy, whom I named Adam.

"Adam spent his first two months of life in an isolette. I was allowed to touch him for only a few minutes of each day. He seemed so breakable and twisted in the little glass box. We took him home on Christmas Eve."

But the nightmare got worse, Mrs. Richards told me. When she presented Adam to Dr. Peterson for a well-child check, the doctor suggested a battery of motion and other tests. The baby's leg motion didn't look right, and his movements were awkward. My son had cerebral palsy, and suffered from a series of neurological problems.

"He didn't learn like other babies, Mr. Gold. His brain

didn't work right. He didn't walk until quite late, and even then it was a halting, unbalanced little walk. His attention span was poor. He couldn't learn his colors. He had asthma – we spent several nights every month sitting in the emergency ward while doctors got him breathing again. Other kids never played with him. He was a dear, loving little boy, that the world didn't want.

"My husband lost his job that first year of my son's life. They said he was slacking off, but he was just so busy and preoccupied at home. He stewed around the house for 18 months and then just left, without saying a word to me."

Felicia Richards looked me in the eye. "That was one year ago. Monday, I buried my son."

I handed Mrs. Richards a Kleenex. Then I took one from the box for myself.

He had gone while he was sleeping, beside her in bed. He had crept in in the night because, he said, he was frightened. And I have this report, from a physician I met with at Rush Memorial Hospital, suggesting that the Ramsey Shield was the cause of his problems."

I listened, and when she was finished, I spoke. "Mrs. Richards, you have my sympathies for all that you have suffered. I am a father of four myself – thank God, they have all been in good health. I don't know if I could endure what you have endured.

"I need to learn more about this Ramsey Shield. I need to discuss this with some doctors. I'll contact you again in the next few days, and discuss this in greater detail. I need to find out if there are other stories like yours, and if the product was tested thoroughly before putting it on the market."

I held her hands in mine, and I could feel the fleeting pulse around her wrist.

"If what I find corroborates what you've told me here, I promise you – we will go after Ramsey Shield's manufacturers with everything we've got."

Felicia Richards looked up at me as if a light had been switched on in her heart, and squeezed my hands. Her expression shook me to my core. Something strange, something just the other side of professional, was happening. In that moment, we each engaged in a kind

of hero-worship of the other. To me she was the ultimate courageous, suffering madonna. To her, I suspect I appeared to be the ultimate white knight attorney, ready to go to war on fair lady's behalf.

Mrs. Richards went straight to my head. I was a man in his 40s, successful, powerful, knowledgeable about the way the world worked, I was at the very top of my game. I was no cheater. I had had plenty of opportunities, believe me, traveling across the country doing railroad cases. There were women who gave me the come-hither look. And I don't just mean prostitutes. But until that moment, I never even thought of actually "going thither." What folly it would be, I figured, to endanger a trusting marriage or my career with some momentary infatuation.

But this was different. I had looked into Mrs. Richards' eyes and seen the pain there – hell, I practically tumbled into them, and feel for miles. She was one of the most charismatic women I ever meant. It went beyond looks. She had the ability to convince you you were soulmates with her – the minute you met.

Maybe the fact that I was on top of the world just made me overdue for a fall.

Nevertheless, it was enough to do great damage, as we shall see. And I was a vain and self-deceiving fool not to see that, and to nip it in the bud.

The charm of the moment didn't feel "bad." Indeed, I mistook my natural attraction to Miss Richard as one of the benefits of my position in life – being the hired gun who could bring peace to the neighborhood, and relief to the beleaguered citizenry. But that was nonsense. She was a beautiful woman, and my best judgment hit the highway the moment our hands touched.

I knew I wanted to see her again.

I called a meeting with staff the next day. I assigned three people to research the matter, to bring information about the medical science and the story behind the Ramsey Shield. "What do we really know about this thing?" I asked, holding one of the devices between thumb and index finger.

The lawyers and paralegals craned their necks to look at it. It looked like a tiny, toothy, crablike thing, vaguely unpleasant in its demeanor, and dangling on a string.

Don Putterman knew something about the device. "Ramsey introduced it over twelve years ago," he said. "There have been complaints, not yet tested in court, that the device may be unsafe, that the 'tail' you are holding it by may act as a wick, introducing infection to the uterus."

"How many people have them?" I asked.

Researcher Fred Zbeka knew. "According to a Ramsey investor relations sheet, about a half million women have had them implanted," he said. "In addition, a women's reproductive rights group has published this newsletter article saying that women and unborn babies are dying from these things. Birth defects are common. Sepsis in women is even more common. The group suggests that the shield may be wrecking the sex lives of thousands of couples."

I weighed what they were telling me. "So this may be

something really big, and we're getting in at the bottom of what may be a wave of litigations."

Putterman arched his eyebrows. "It's a gold mine, Jon. We could lay siege to Ramsey Shield. That company will be like our bank."

"Unless the story is just too big," I muttered under my breath. I knew we could be a cocky group sometimes. We didn't back off from challenges. Especially when millions of dollars hung in the balance. The deal looked good, but something seemed wrong to me. The game had changed. We were no longer picking at a case here, a case there, against railroads, who were obligated to pay because of a the law protecting railroad workers.

This was different. It was a team of masked insurgents, us, backing up to a gigantically successful pharmaceutical company, armed with more lawyers than God, and who knows what other resources besides, and systematically loading their money into a truck.

Nothing could go wrong, it seemed. And yet ...

Let me assure you on one point. Our firm did not become obsessed about the Ramsey Shield, or devote an inordinate amount of our practice to it. Product liability cases could be expensive, in terms of both money and manpower.

Meanwhile I was as busy as I had ever been, managing the cases brought to me by railway workers. I was traveling all over the country and settling cases, taking depositions, settling trying cases, meeting with claims adjusters and union officials. I longed to be home, just to sit in my own chair and turn off my mind. Felicia Richards had a compelling story, but I was not about to change my life and my firm's mission just to address her concerns. I made up my mind that, whatever was happening between Mrs. Richards and myself, that I had to break it off.

Through all these visits, nothing inappropriate occurred. Mrs. Richards seemed attentive to details, and businesslike in every way. Still, I now understand something peculiar was happening, because she began to pester me with phone calls, friendly "I just called to see how you were doing" calls.

I remember enjoying the attentions of an attractive and grateful younger woman. The word "hero" figured largely in some of these conversations. But I had an uneasy feeling as well, that some line was being crossed.

And that was the subject of a dinner conversation she and I had the night before we were to meet with Pompeii's claims executives.. I wanted to get clarity on what we were doing – it was a lawsuit, not a romance. I was no knight on a white horse if I went gooey every time I looked into her face.

She was wearing a green evening dress with small black buttons, and a string pearls close around her throat. She looked more appealing than any of the items on Pierre's menu. And I liked Pierre's menu. I found myself noticing things men seldom notice – her lipstick, the way she held up her hand for the maitre d'. She didn't utter a sound, or point with a finger. Yet everyone in the room turned to see what she wanted, and if they could help her get it.

“Mr. Gold,,” she said to me “what would I do without

you on my side?"

"Well," I said, "there are other good firms around." I sounded like a knucklehead, but I was afraid if I let myself go, where I might go. So I held it in check.

"I was thinking, good results or bad, that I wanted to travel," she said, as I held a match to her cigarette.

"That's a wonderful idea," I told her. "Where were you thinking of going?"

She looked up at me with an expression of stabbing intensity. "I've never been to the south of France," she said. "What would you think of that?"

It took me a second to understand what she was asking. I shook my head mentally, to keep from falling down the well.

"Evie and I were in Provence two summers ago," I said. "We had the most wonderful time." It's true, we had.

And for the first time I saw Mrs. Richards frown. I could not have given an answer any wronger than what I had said. Or righter, from my own perspective.

We finished our dinner. I stuck to the details of the case, She shook my hand coldly at the curb, and disappeared in a cab.

I only met with Mrs. Richards five times in all:

One, to take a statement about her life and medical experience.

Two, to go over the medical records on her case.

Three, a lunch with the legal team and her.

Four, the dinner at Pierre's that ended with a frown.

Five, a settlement party where we celebrated the \$800,000 settlement, which she attended – but never made eye contact with me.

The claim settlement was an extraordinary success. But I had not heard the last of Felicia Richards.

The \$800,000 settlement stands out in my mind because my firm took half, which was more than the contingency we usually took. It was Putterman's idea to boost our percentage, and the firm convinced me it

was reasonable – because we had all invested a lot of time and manpower to build the case. We had to learn a whole new world to pursue the matter, The extra money was to cover our research and preparation costs.

I now realize this was a mistake, and we may have appeared greedy to Mrs. Richards.

Ultimately, she turned against me because I couldn't make room for her in my life. My reluctance – which seemed like simple good sense at the time – would cost me enormously.

We often hired moonlighting claims adjusters to do various types of work for our firm. It was at the time that I hired a claims adjuster that worked days for Pompeii Insurance, to look over files, doing medical evaluations for us. This was a very common practice by law firms. Indeed, Fletcher worked for a number of firms besides us.

Fletcher and I were cordial in the way that business acquaintances are cordial. In all our dealings together, we discussed the Ramsey Shield exactly once, in an

inconsequential way. There was nothing illegal, unethical, or eyebrow-raising about our discussion. Indeed, at the time Fletcher worked for me, I had never done a Ramsey Shield case.

Do you know what I think my indictment, trial, and hounding was all about? This may sound grand, but I honestly think it was about the dawning of a new age. Hear me out.

We had just lived through a period of muscle-flexing by the legal profession. It was a kind of revolution, and the powers that were most upset by this upheaval were the people that were losing money to it – the insurance companies, the railroads, the deep pockets that lawyers like myself routinely targeted. The justice that personal injury attorneys like me sought cost these companies money, and they did not like it one bit. Without attorneys working for clients on a contingency fee basis, injured people could not obtain representation.

So an example had to be made, an example that would be a little outrageous, and send a wave of fear through the community of personal

injury attorneys. Why me? I think it was because I was opening the door a crack on one of the largest personal injury problems in U.S. history, the billion-dollar assault on the makers of the world's best-known intrauterine device, or IUD – the Ramsey Shield, which had been taken off the market in 1974.

In my mind, the Ramsey Shield lawsuits were a side issue. Many have suggested to me that I was plotting to focus all my time and energies on suing the makers of the device. It wasn't true. I had no genius plan to do that. In fact, I was too busy with my usual work, pursuing injuries to railroad workers, to give the IUD suits the attention that they, in retrospect, clearly deserved. It was a sideshow to me. And yet, when an example had to be made, a giant finger poked out of the clouds and pointed to me.

Our firms and many firms hired claims adjusters to moonlight for them. For years prior to my DS case, Mr. Fletcher, an adjuster for Pompeii Insurance, had been doing medical evaluations and other matters for our firm part-time.

We hired them because they had the skills we needed. It was a common practice, and every personal injury team relied on such people. If I had a case with Fletcher or any adjuster, whether they worked part time or not, we worked on a professional basis – me representing my client and him representing the interests of his employer.

I began to get numerous referrals from other lawyers and from clients of the Ramsey Shield cases. When we notified RD mfr and their ins co of our representation, various adjusters from Pompeii Insurance would come talk to us, about settling these cases. As usual, we would discuss these matters with numerous affiliates, including people like Geoffrey Fletcher, who continued to do consulting work for me.

Heartened by the success of our budding Ramsey Shield business, we took on more cases, and began settling them, one after the other. In eighteen months our firm settled over 100 Ramsey Shield cases without trial, netting over \$3 million in fees. We got a national write-up in a glossy attorney's trade magazine, *The Lawyer*, congratulating

DeWitt & Gold for its entrepreneurial bent in identifying and aggressively moving on a new target, the makers of the shield. The article described the how and why of the product was defective and created these lawsuits. There was even a picture of me on the cover, holding the device by its tail.

God help me, I loved that picture. We posted the whole article in our waiting room, blown up to four times the original size, and covered with protective plexiglass, and it only gave me pleasure to think of attorneys in New York and San Francisco reading about the hot new firebrands in the Midwest who brought the giant pharmaceutical company to heel.

All the great things people were saying went straight to my head. Truth is, this was what I always craved, lusted for, even, in my heart. As a tailor's kid from Nock Street, to be respected all around the country, by people my dad used to measure inseams for – it was sweet. It was sweeter than sweet, it was Gold's revenge. It was trouble.

CHAPTER 6

A hammer fell from heaven's heights and clocked me on the head

On the snowy morning after New Year's Day in the year 1980, I was served with a complaint by my onetime client Felicia Richards. The suit accused our firm of creating a kickback scheme to channel money from DeWitt, Gold, Putterman & Jefferson, to Mr. Fletcher, the claims adjuster at Pompeii Insurance I often relied on to work on investigations for my railroad cases.

The lawsuit triggered what was to become a long chain of suits and prosecutions that would last the better part of a decade, wreck my career, test every relationship I had, and nearly disbar me and throw me into prison.

The moment I received word of Mrs. Richards' lawsuit, which we found out was put together by attorneys in Iowa who were competing for Ramsey Shield cases. I knew what it portended, and I braced myself for the worst.

I sat at my desk on the fifth floor of the Wells Building,

overlooking Wisconsin Avenue, and flipped through the suit. What I read disturbed me deeply. In fact, if I were an innocent bystander, and didn't know any better, I would want the streets rid of the sort of ethical cretin described in that document.

To judge from her accusations, I was a Class A scumbag, a crooked attorney who was screwing clients out of their settlements. When I wasn't screwing clients, I was slipping money every which way to parties involved in my investigations, including but not limited to Fletcher. And we were conspiring with attorneys to solicit victims of the Ramsey Shield.

I wasn't a lawyer, according to the complaint, I was a grifter running a con game.

The Richards lawsuit itself was not such a big deal to me. Law firms endure complaints like this all the time. You meet, you argue, you apologize, you settle, and everyone goes home happy, usually with one's wallet a bit lighter for the attention.

But this was different. Mrs. Richards seemed to want to really hurt me, and this lawsuit would eventually

hurt me in the deepest way, by leading to a federal criminal prosecution of me and my firm's investigators.

The Richards lawsuit, was dispatched in relatively short order. We wrote a check, acknowledged it was a mistake to charge a higher fee to Mrs. Richards, and somewhat embarrassedly put the matter behind us.

But my worst fears were confirmed within months when a federal grand jury indicted me, three of my investigators, and Mr. Fletcher for felony counts of mail fraud and conspiracy.

To put this in perspective, to understand how frightening this was, you need to understand that federal indictments have a 98% conviction rate. To be indicted on the federal level means you are almost inevitably going to prison.

It was not completely news to me. I knew a grand jury had been convened and were looking into the question of whatever crimes had been committed.

Though all my investigators were also subpoenaed, I was told I was the target of the inquiry. No one likes being a target, But if there was any wrongdoing – and I did not think there was – I wanted it to stop at me.

Targets usually do not testify before grand juries. But I volunteered to testify, and I told them everything – that I was innocent, though some aspects of the case were not too appetizing to look at. I'm talking about the way we marketed ourselves to prospective clients for Ramsey Shield cases. We saw a chance for a bonanza, and we leaped at it. We probably leaped more exuberantly than people like to see lawyers leap. This is what personal injury lawyers do – they troll for clients.

Grand juries are empaneled and fed the information the prosecutor wants them to hear. When the prosecutor wants an indictment, he draws it up and informs the grand jury what he wants. They call who they want, and ignore who they want. And the grand juries almost always comply with the request. It's not like a trial, where the accused can introduce his own facts. It is, for all intents and purposes, as closed a process as an inquisition.

I told the grand jury I was the only attorney working on Ramsey Shield cases. I wanted to stop the damage with me – so the firm could continue and, worst case scenario, they could support my family in my absence.

I would like to say I wasn't scared, but I was plenty scared. Mainly because the federal prosecutor turned out to be none other than Robert Villers – the rich kid I grew up with.

He was a government attorney. He had never really practiced law. He had no idea what personal injury lawyers do. We didn't do anything that a score of other firms in town weren't doing at the same time.

The only difference was, we were taking on two Fortune 500 companies – the maker of the device and its insurer – and they each stood to lose billions if cases proliferated, as they were beginning to do. By the time of my indictment, scores of firms were targeting Ramsey Shield. There was no shortage of victims to represent.

You've heard of Custer's Last Stand? This inquiry was shaping up to be something like that. The big money

knew it was in trouble, and determined to draw first blood – mine.

But I was slow to take seriously the battle that beginning. I had faith in the law, and in my innocence. I would invite the grand jury to take a walk with Jonathan Gold, just like in the old days, and we would go for our stroll, and I would lay out my case, and things would be all right.

Not quite.

I got word of the federal indictment as I was dumping nondairy creamer into my coffee at Peter's Grill in the arcade on Clybourn. The morning paper was opened in front of me, to an interview with Paul Volcker, talking about inflation. I felt a tap on my shoulder, and turned to see Putterman, who had followed me from the office. His face was as smirk-free as I had ever seen it. This was bad.

"What's the matter?" I asked.

"You've been named," Putterman said. "You and Fletcher and our investigators."

"What're the charges?"

"Mail fraud and conspiracy. They make the firm sound like Murder Incorporated in the charges, like we're shaking everybody down, passing out bribes like candy, and then screwing our clients. They're going to murder us in the papers."

I frowned. "Mail fraud, how they figure that?" Not that I was happy about conspiracy.

"We sent letters by mail, and that's enough for a charge. So they're focusing on that."

I paid for my coffee and stood. "We have to have a meeting," I said.

"We're meeting right now," Putterman said, and I saw pleading in his eye.

"What? What do you mean?"

Putterman looked like he was going to start bawling.

"I'm not a part of any of this, you understand?"

I chucked him in the arm. "Calm down, Donald," I told him. "I exonerated you to the grand jury. I took the fall."

This isn't about you. You're home free.."

"I'm – " he began, but his voice cracked. "I just don't need this in my life right now."

"Shit, Donald, what do you want? You've been taken off the hook. Come on."

We left the Grill. Back in

our conference room, where the four partners sat around brainstorming our response.

"We didn't do anything wrong," said Jefferson.

"I know that," I said. "The problem is, it looks like hell."

Do you know what I think my indictment, trial, and hounding was all about? This may sound grand, but I honestly think it was about the dawning of a new age. Hear me out.

We had just lived through a period of muscle-flexing by the legal profession. It was a kind of revolution, and the powers that were most upset by this upheaval were the people that were losing money to it – the insurance

companies, the railroads, the deep pockets that lawyers like myself routinely targeted. The justice that personal injury attorneys like me sought cost these companies money, and they did not like it one bit. Without attorneys working for clients on a contingency fee basis, injured people could not obtain representation.

So an example had to be made, an example that would be a little outrageous, and send a wave of fear through the community of personal injury attorneys. Why me? I think it was because I was opening the door a crack on one of the largest personal injury problems in U.S. history, the billion-dollar assault on the makers of the world's best-known intrauterine device – the Ramsey Shield, which would be taken off the market in 1974.

In my mind, the Ramsey Shield lawsuits were a side issue. Many have suggested to me that I was plotting to focus all my time and energies on suing the makers of the device. It wasn't true. I had no genius plan to do that. In fact, I was too busy with my usual work, pursuing injuries to railroad workers, to give the IUD suits the attention that they, in retrospect, clearly deserved. It was a sideshow to me. And yet, when an

example had to be made, a giant finger poked out of the clouds and pointed to me.

I tried to be strong and matter-of-fact about the thing. But inside, I felt like I had swallowed a scorpion. It wasn't till I got home that night, and held Evie in my arms, and explained to her what we were all looking at, that I let down and cried.

"I'm so sorry I got us into this," I sobbed to her. I knew I wasn't a crook, but I was going to have a hell of a time persuading the public of that, starting tomorrow, not to mention a judge and a jury.

The morning after the indictment was announced, I rose early and drove downtown to be arraigned, and have my pictures and fingerprints taken.

The closest I came to imprisonment was sitting on a folding chair for about ten minutes with another guy who was in for something. He looked kind of like me, wearing a glen plaid suit and a rueful expression. I had it in my mind he was there for a real estate problem, but I didn't ask. I didn't say have to. The looks on our faces said it all.

It was the moment they stood me up against the wall to take my picture that did me in.

You see it on TV all the time, the moment when the defendant steps in front of a camera to have his picture taken. But that's all TV can show, what it looks like from the outside. When it's happening to you, and the bulbs are popping in your face, and your eyes are dilating and your visual field is exploding purple and green, and you still have to hold a number up in front of you, because it's easier to classify (and be rude to) a number than to a name – then it's very different.

“Turn to the right. Now turn to the left. Face forward.” And then rolling your fingers in the ink pad. You feel you have the moral stature of a slime mold.

And when you're an attorney, and one of your claims to accomplishment in life is that you keep this from happening to other people, and now it's happening to you, it's like the world is turning itself inside out, and you are getting ground into powder.

It was in that moment that I felt unutterable shame. Somehow this moment was going to stain everyone in

my family, my wife, my children, my wife's family that put me on such a pedestal. It was going to leave a permanent stain on me and the firm I loved.

Things like this didn't happen to good men, I thought. Or, good men stop being so good when the flashbulb explodes. Something happens inside them, something breaks, something that needed to be whole and intact to work instead splinters into a million glassy shards.

I stood before the photographer, trying not to feel sorry for myself, trying to be a man at this awful moment, trying not to be a pest. But I was in hell. I have known many sorrows and losses and even deaths, but this moment was the low point for me – because my reputation was not just mine. Everyone went down with me, everyone hit the mat. Wife, kids, family, friends – the complete catastrophe.

Evie was a rock. Over the next few months, the tension and aggravation would get to her as well. But I never felt in my life that I could put myself in her hands the way I did that night. She absorbed it, and she was strong, for me, for us.

"It's going to be OK," she said, and rubbed my neck.
"It's going to be OK."

Evie comforted me. But the fact is, she suffered as much or more through the indictment and trial as I did. She had a life of her own, running a travel agency on the near north side of town. She had a slough of business connections that were important to her. It was no blessing when my name began popping up on the front pages of the morning paper as an indictee:

Gold charged with mail fraud

Gold, others, named in federal crackdown

Gold the ringleader of crooked lawyers

Conspirator, briber, finagler, crook

You don't have to have an MBA to know that negative headlines take their toll, even when they are about your husband, not you.

Worse, Evie had been volunteering for years for Hadassah, the American women's group that worked to support Israel. She was involved regionally and nationally, and her skills and her way of doing things had made an impression on the organization.

And isn't this just the way things happen sometimes – just as my indictment hit the front pages, Evie was invited to stand as an officer of the organization operating out of New York. It was something she had always dreamed of doing. It was a position of genuine influence, something that would put her in the limelight instead of her famously workaholic, headline-grabbing husband (me), and something she could feel great about for the rest of her days, because it was a cause she was singularly devoted to. It gave her someone to be, and she was terrific at it.

Evie thanked the caller so graciously, and here is what she told them on the telephone. I know, because I was standing right next to her:

“Oh, my friends. You don't know what this invitation means to me. But I'm in a position right now that I am afraid to accept. My husband has been named in a federal indictment, and although he didn't do anything wrong, we will be facing some negative headlines in the weeks and months ahead.”

She swallowed hard, and continued:

"As much as my heart wants to accept your invitation to serve, my head tells me there will be bad times ahead for us, and I would never want to do anything that could in any way have a negative effect on the organization's reputation. I long to serve, but I would be heartbroken if I caused you any harm!"

She never complained to me for one second about this disappointment. And in the end, her sacrifice did not hurt her, because her thoughtfulness made an enormous impact on the nominating committee, and a year later, she was ushered into the same position of responsibility, and she served with great distinction.

But she didn't know any of that at the time. As far as she knew, she was kissing a lifelong dream goodbye, an invitation that would never come around again. And she never made one peep to me or to anyone about it.

Can you see why I love my Evie?

One of our investigators, Billy Soames, was in Hawaii at the time the indictments came down. We advised Mr. Villers that Billy would be unable to return until the final Friday. Villers

neither accepted it nor denied it. But the federal marshals met him and his wife at the airport, and arrested Bill. This is the same Bill Soames I wrote about earlier, the guy who was too soft-hearted to send on railroad investigations. They took this sweet guy, slapped cuffs on him, and led him away to a holding cell for failing to appear before the magistrate on the appointed day.

In the holding cell, Billy was so upset that he threw up. For Bill Soames, this was the worst thing that could have befallen him. He never worked again. One year later he was dead, killed, in my mind at least, by the shame of that sorry indictment.

The essence of the government's case indictment was that Fletcher and I had colluded to cheat my clients and Pompeii Insurance's out of monies that properly belonged to them. It was an outlandish and deeply insulting accusation. According to the indictment we were simple thugs, cheating everyone within arm's distance of us.

The indictment sought, I believe, to create a

smokescreen around the disaster that was building around B.J. Wren, the company that made and sold the shield. Distract the public with stories of a renegade lawyer ripping off his clients, and just maybe, the public will look away from a scandal of immense proportions, probably the worst corporate betrayal of the public health in the nation's history.

I believe they should have been indicted, not us.

I wasn't the only person named in the indictment, although, as senior partner, I was the big fish, the one the feds couldn't let get away.

Since the firm name at the time of the indictment was Dewitt, Perl, Putterman & Jefferson, Tom DeWitt's name would appear in the papers. I elected to see him in person. Flying down to Tucson to give him the news, and ask his advice. was one of the most painful experiences of my life.

"I have some dumb bad news, Tom." I told him. "They're going to be dragging your name through the mud the same as mine, and I feel so bad about that,

because you have the greatest reputation of anyone in the business, and it's so wrong that you get tarred with this brush."

Tom airily dismissed the whole problem. "Jonnie, you and I know this is a cutthroat business. We make enemies, and eventually they come looking for us. I wasn't playing Uncle Wiggly all those years, you know."

"I know, Tom, but— "

"But nothing," he said. "We're big boys. You'll get through this. You'll lose a few bucks doing it," he laughed, and I remembered how much I missed him and his big, hearty laugh, "But at the end of the story, we'll be OK. I'm with you to the end."

He puts his big arms around me and hugged me and I thanked God I had such a man as a mentor in my life, and as a friend.

CHAPTER 7

From the fiery furnace the Hebrew children cried

From the beginning the trial was like a bad dream. It included personalities I had known all my life. Prior to the indictment three of my firm's investigators, along with Fletcher, were invited one by one to go over to the other side to spare themselves. I mentioned that Tom DeWitt was tagged to testify on my behalf.

Robert Villers, the kid who lived in the big house on the lake, who teased me as a boy, was cast as my accuser and prosecutor. Villers held an almost palpable animus against me, which I have never understood, unless it was that he knew my origins down along Nock Street were less than regal, maybe he resented me as an upstart success. Maybe I was making a lot more money as a trial attorney than he was. As a prosecutor there were stories that Villers hoped to run for public office, perhaps as governor or congressman – and we speculated that he was my trial as a stepping stone for these ambitions.

"Never underestimate the public appeal of sending an attorney to jail," Tom DeWitt used to tell us in class. "It freshens the palate, and it feels American, that no one is above the law. It gives the average guy the idea that anyone can make it to the top – and anyone can fall back down again. It gives people a kind of perverse hope."

Make a lawyer look bad, Tom was saying, put him on trial for collusion, conspiracy, and cheating his own clients – as was happening to me – and a man could get elected to anything.

I didn't agree, as I felt there was nothing "American" about taking away an individual's liberty. But Tom had a point.

Because I was well known and respected statewide, federal judges throughout the district recused themselves from the case. So a federal judge from another district, from Peoria, Illinois, was chosen, Judge James Cutler, a man in his prime, brought his own staff and court reporter. He was unhappy about having to leave his jurisdiction to

go to Milwaukee for however long the trial would take. He turned out to be a very fair jurist.

One of the problems was that I was an ace lawyer represented by ace lawyers. We rented an apartment across from the federal courthouse on Wisconsin Avenue to meet and discuss trial strategy. In retrospect, it may have seemed like there were too many aces in the deck. We were a dream team, consisting of many of the guys who would later supersede me in the area: I had Fred Hammarstein, Bill Antonelli, Ken Kirsch, and Dan Meili. Geoffrey Fletcher, the investigator charged with me, along with his lawyer Paul Skliris, also met with us there.

The lawyers who met in that apartment daily were among the emerging heavyweights of that era, confident, resourceful, intelligent men who were masters of legal strategy and courtroom tactics. These were the pros, an all-star team of Midwestern legal practice. And Hammarstein made it clear from the start – he was the general in charge of the team. "If we can't get you off," Hammarstein said on more than one occasion, "you probably did it." To him it was a joke. I

secretly worried that he was planting an excuse for failure in advance.

As it happens, I agreed to pay for the entire team out of my own pocket, including the legal fees for Mr. Fletcher. It was an agreement that would cost me nearly every cent I had. But it underscores, I think, that I was the eventual target of the indictments. They would set out to get the little fish, in hopes that would lead them to the big fish. In that sense, I had to support them. Also, I had more money than anybody else, and we knew this would be a long, expensive trial. And I thought, we're still all in this together. When the trial was over, I expected that my firm would settle up with me. After all, I was taking a bullet for them.

Most days, Fletcher's people sat alongside my people and we acted in unison. Some days, however, we would be uncomfortable with one another's explanations, and we would start to slide apart. We were all aware that, while we bore no ill-will to one another, none of us wished to have the other as a cellmate. The feds worked hard to split us away from each other, and especially from me. But we held tight. How could any

one of us cop a plea, we reasoned, if none of us had done anything wrong?

No one needed to acknowledge this out loud, but there was an element of competition and professional judgment among our team. I knew these guys were great, and I knew furthermore that I posed somewhat of a danger to myself, knowing as much as I did about the legal process, and feeling a subtle sense of rivalry with my own defenders. "If I were my lawyer," I kept thinking. This thinking would eventually pose my biggest challenge in the trial – the question of whether I should be called as a witness. Hell, I wanted to go farther than that – I wanted to make my own summations. But I am getting ahead of myself. For now, just know that I was like a dog chained to a stake surrounded by dogs running free – and that bugged me no end!

The trial lasted twelve weeks. Evie alone was on the stand for four days. For seven weeks the government, led by my childhood nemesis, Robert Villers, went at me hammer and tongs. He accused me of practically every crime in the penal code, and there were days I

sounded so bad, a part of me wanted this Gold guy locked up and the key fed to the crocodile.

But the brunt of it was false, and the part that was suspicious-sounding was simply circumstantial. At no time did Fletcher and I ever collude to cheat my clients or his employer. Everything we did was considered SOP – standard operating procedure – in any busy personal injury practice in the U.S.A.

But Villers was like a drill, continually twisting the truth, day after day, never allowing the slightest benefit of the doubt for me. He accused me of perjury, of fraud, of violating my fiduciary responsibilities, of double-dipping, of forging documents, of cheating my own partners, of being the biggest liar, scoundrel, and ambulance-chasing cad to ever pass the bar. I was a disgrace, according to him, and I belonged behind bars.

One of the worst things that came out in trial was that the fellow who did our firm's books, and managed our office – we called him the comptroller – turned out to be a genius. By

this I mean that, unknown to me, this young man, Carson Allenson, a graduate of Wausau Community College, surprised everyone by being on the global cutting edge of how to manage money. I liked him, I thought he was competent and personable, but I had no idea about some of the “innovative” things he was doing with the firm's money.

One of the most incriminating (but not illegal) things he did was to paid bonuses to anyone in the firm – investigators, secretaries, paralegals -- who recommended a client for personal injuries, including the Ramsey Shield cases. You will recall that a big problem for personal injury lawyers in those days was that they could not directly solicit business. We couldn't hang around in emergency wards, or go door to door, or advertise in the daily newspaper. Now this all seems a bit ridiculous, and guys go on TV hawking their services and promising lucrative settlements for people's auto accidents, even featuring happy clients in wheelchairs giving their legal services the thumbs-up.

So it will seem strange that as recently as the 1980s it was considered unethical to pay staffers for

recommendations. Carson Allenson created a murky system of rewards to do this very thing. If a colleague with another firm sent someone over to us, it was considered ethical to pay him for the referral and he would be considered a part of the legal team. But you could not reward a lay person – like an office employee – in the same way. He would write a check, or buy someone an fellow attorney dinner at Cecil's Steakhouse, or in the case of our employees, a cash bonus was in order.

Many thousands of dollars passed hands this way. Most of it was given away while I was on the road, handling railroad work and drumming up new business. Putterman was there in the office the whole time, and probably had an inkling what Allenson did – the two of them drove to work together every day. I had no idea.

I should point out that railroad work, which was the backbone of our business, had no such prohibition against solicitation. Certified railroad union lawyers were exempted from the no-solicitation provision. I could stand up in front of a railroad union meeting and

ask if anyone had been hurt on the job. We were actually allowed to go to an injured worker's home, knock on the door, and tell the worker how we could help. But in general legal practice – which included the Ramsey Shield – the rules were more restrictive.

At the time, when we distributed money to office workers, I felt like I was being generous, a good boss, – certainly not a crook. But in the trial Villers stormed up and down the bench, decrying the firm's wanton financial ways and generally portraying me as Ali Baba dividing the loot forty ways. I winced every time he attacked the firm's reputation, thinking of DeWitt and Emerson, and how these implications would have hurt them. We ran a clean shop, always did, and accusations like this were poison to the reputation for decency those men had helped build up.

Carson was being creative, but his creativity got me into a world of trouble. And when he took the stand at the trial, Villers barbecued him with innuendo.

It seemed like every other sentence began with the same plodding question: "Do you mean ... to sit

there ... and tell me ..." He was that kind of prosecutor, always seeking to inflame the jury. It would have worked if the jury had all been dimbulbs, but they, like most jurors, were normal, bright people. I had a feeling – not a certainty but a hopeful hunch – that Bob Villers would pay for these arrogant poses.

The worst was when he accosted Allenson about "the float." Like I said, Carson was a bright guy, and he knew, as all bankers know, that money that sits around doing nothing represents a loss of its potential. So when we won a case and were given a check for, say, \$300,000, we had to deposit that check, signed by the client, into the Dewitt & Gold trust account in Milwaukee before sending making it over to the client, minus our contingency and any other fees. Then we mail the final check to the client, who might be several days away in Kentucky or Ohio.

So we would have three or four days to invest the check. So we earned a small amount during that period of delay. We made about \$30,000 a year based on Carson's "floats."

It wasn't a universal practice then, but it is now. The client doesn't have one penny less because we earned the interest, and not the bank!

I knew this was going on, but I was still dumbfounded at the charge that I was cheating clients.

Once again, cue Villers:

"My friends, what was going on in the recesses of this law firm was as sordid as occurs in the back rooms of a gang of thugs. Money that should have gone to plaintiffs was instead diverted to the firm's own coffers. These men made themselves rich off the sufferings of injured individuals. And now they come to you, all innocent, as if they never did one wrong thing!"

My response to Villers: Personal injury law does indeed make money because people have suffered, it is true. But our mission is to compensate that suffering. That is what personal injury law is about. At no point did we take money from clients we had not earned. As for the power of Viller's float argument, the jury heard about it, considered it, and I felt certain did not

pay it much mind.

And my genius controller, who did all these interesting things behind my back, and was actually a very sweet and likable guy, could only shrug apologetically to me, and mime the words across the courtroom: I thought I was doing a good thing.

In the end his genius was not held against us. We even had the chairman of the city's biggest bank, our firm's banker, a fellow who also happened to own an NFL franchise, testify on our behalf.

"What this accountant did, was perfectly legal, and it is something banks and large corporations have to do to stay ahead," the banker explained. He further testified that examination of the Dewitt & Gold firm showed that at no time did any check fail to clear. No client was ever inconvenienced by the process.

But Villers had not yet played his trump card, the handwriting analyst he hired from the ranks of the U S Post office in Washington, D.C. This Mr. Wilkerson a man of no great years – I would peg him at 30, max. But he had an undeniable air of the real stuff about

him. He wore his hair short, and a red bow-tie, and amber hornshell-rim glasses. He looked very professional – so much that a part of me worried he would lead the feds to my barnful of freshly printed hundred dollar bills, just outside Sheboygan. Kidding. Seriously, he looked like he posed the defense a great danger.

And Villers elicited some impressive mumbo-jumbo about backdating, its history and best practices. Wilkerson had the jury on his side, I'm afraid to say. He was an impressive witness.

But then Hammarstein surprised me with a line of cross-examination. How he came up with this, I don't know, but it was a thing of beauty.

“So, Mr. Wilkerson, you consult with the white collar crime unit of the U. S. Post Office, correct?”

“Yes, sir.”

“You do good work?”

“The unit has the highest rate of convictions in its eight-year history.”

“So you have been with them for eight years?”

“No. I have been with the unit since December of last year.”

“That doesn't seem like a very long time. What did you do before that?”

“I worked in retail management.”

Hammarstein nodded. He was onto something. “What kind of retail management?”

Wilkerson took off his glasses and bit the stem of one side. “I sold Avon products door to door. Cosmetics, sprays.”

Time for the coup de grace, the death-blow. “So where did you get your document analysis training?”

“I was in a program at DePaul University.”

“Downtown?”

“No, the Oak Park campus.”

“How long was the program?”

“A month.”

“Four weeks?”

“A month.”

“So, twenty days of classes?”

“I guess that would be about right.”

“And about how long was each day's classes?”

“Um – one hour.”

The judge called for a recess for the day, and Hammarstein and I walked past the slumped figure of Bob Villers at the prosecution table. He looked like he wanted to jump into a bubbling volcano.

The defense team met at the apartment, and we praised Hammarstein's acumen in the cross. And we lifted our ice teas and saluted the man of the hour:

“To the handwriting sleuth!”

“To the expert stud!”

“To 20-Hour Wilkerson!”

Villers next sought to establish to the jury that the notes from Fletcher to me and from me to him – they had subpoenaed every scrap of paper we had put into the entire file, paper by the truckload – confident that certain of them had been falsified. The files included every communication there ever was between me and Fletcher going back six years. The entire kaboodle was packed up and shipped to the U. S. Post Office's document examination office in Washington. For us to even look at them, we had to fly to Washington..

Why the hullabaloo? Because there was nothing incriminating in them, and surely that was a sign of foul play. The truth is, there was nothing incriminating in them because we were doing business on the up and up.

I'm telling you, it was like being held against your will in an insane asylum, and the doctor in charge is the only insane person in the vicinity. He knows you're crazy, he just has to re-manufacture the evidence that no longer exists to prove it!

To this end, Villers challenged the defense to a game of My Expert Versus Your Expert. He announced that he had a handwriting analyst who would demonstrate beyond a shadow of doubt that the letters Fletcher and I exchanged (which were entirely about railroad injury cases) during the period we were starting to gather information really related to pending Ramsey Shield lawsuits. Villers claimed the memos were fabricated by us and inserted later to throw investigators off the track. The implication was that we had forged our own exculpatory evidence.

Because scientific evidence was to become an important issue in the case, my lawyer had to hire a document examiner to counter his document examiner.

We located a man in South Carolina, Amos Tobias. Tobias was a police chief of a major city there, and his background included document verification. He seemed very competent and qualified, and we were delighted to have him on the team. He flew to Washington DC to have a preliminary look at the documents, being held by the postal inspector. Fletcher

and I had exchanged, and he told us exactly what we wanted to hear – that there was no problem with the documents. They were precisely what they appeared to be – “copacetic” was how he described them – and not forged or manipulated in any way.

But as the trial date drew near, Tobias called Hammarstein with bad news. The city manager he worked for didn't appreciate him leaving town to engage in the expert witness business. Tobias regretfully thanked us for the money we had already given him, and took a pass.

My lawyer made several calls and located a CIA expert examiner had just retired and maybe could free himself to testify for us.

Dexter Corona was superb. He was 75 years old, and oozed credibility. He had been head of the CIA's document division for twenty years. He had consulted for for the governments of many different countries.

All this time, back in Milwaukee, the prosecution was bringing its case. As the defense team's turn to talk came, Corona flew to Milwaukee, and the next day

blew away Villers and his 20-hour wonder in his testimony. There was not a scintilla of doubt about our documents. To the contrary, Corona described them as “boringly authentic.”

Villers was crushed, again. But he had one last arrow in his quiver. Before Corona left the witness stand, Villers decided to plant the malicious seed of suspicion in the jury's mind.

“Mr. Corona,” he asked, “were you aware that you were not the defense's first choice to testify on document examination??”

“Yes, I was,” Corona replied drily.

“Were you also aware that this other expert, a Mr. Tobias, had findings that differed from your own?”

Corona was indifferent to the question, but his answer opened up the door of doubt.

“No, I wasn't.”

The implication was plain even to the furniture in the courtroom: Since we chose Corona over Tobias, Corona's testimony must have fit better with our

narrative. The implication was that we had shopped for for just the right expert, with just the right interpretation.

It was a lie. There was no significant daylight between the findings of the two experts. And no additional witnesses could refute Villers' innuendo. He just let it drift there in the air, like a bad smell.

In the end the jury would pay no mind to Villers' shenanigans. Why should they? Fletcher and I had conducted no clever counterfeiting operation relating to railroad injuries. It would never have occurred to us. We were both making money doing it the honest way.

The idea that I gave Fletcher kickbacks to settle Ramsey Shield cases with me was a sick accusation, and I'm sure crooks have done that sort of thing in the course of history. But it is an elaborate scam that requires that Pompeii Insurance enjoy paying Fletcher for ignoring their best interests, case after case after case.

But the feds (and lurking behind the feds, Pompeii and

Ramsey Shield) liked that scenario – because otherwise, thousands of women were getting sick because of badly designed IUDs. I was the fall-guy for their bad devices. Better a wicked attorney than a wicked manufacturer of healthcare devices.

But back to the expert witnesses. When Villers left doubt in jurors' minds that our document experts were on the same page, we knew we had to fly Tobias to Milwaukee, no matter what his city manager said. This time, Tobias agreed to testify. Villers tore into him. “is it true that there was a substantive difference between your findings and Dr, Corona's?”

But Tobias stood his ground. “Absolutely not,” he relied. “The documents in question, in my view as well as Mr, Corona's, are exactly what they seem..”

Oh, the look on Villers' face. You could have fried an egg on it.

The trial went down as one of the strangest, and at times one of the stupidest, in state history. Two peculiar events occurred involving jurors with big mouths.

In the second incident, during jury selection, my other son-in-law, Allen, was at the water fountain in the courthouse when two jurors paused near to him. Both were women. One was about fifty and had a very loud voice and an enormous red vinyl handbag. The other was younger, and wore horn-rimmed glasses.

"I don't like it," the red handbag was saying. "I don't like what I saw one little bit."

"Are you sure you should be poking around like that?" the horn-rims said.

"How are you going to find things out unless you check on them yourself?" said the the handbag.

"Yes, but driving to the insurance investigator's house and spying on him with binoculars," said the horn-rims. "It seems like you might be overstepping."

"You're looking at this the wrong way," the handbag replied. "That Fletcher guy has a pool and a two acre yard. You can't tell me a claims adjuster makes enough to live in that part of West Oaks. It doesn't sit right with me at all."

"Yes," said the horn-rims, "that part does bother me."

"You better believe it," said the handbag. "Gold and that investigator are thick as thieves, I'm certain of it."

Allen stopped me in the hall and briefed Hammarstein and the rest of the team on what he had heard – a very unusual case of a juror playing private investigator on her own time and spying on Geoffrey Fletcher. It was beyond illegal, it bordered on the insane.

Hammarstein knew what to do. He asked the judge to meet with us again in his chambers. We all trooped in there, my team plus the prosecutorial team. There must have been twenty of us milling around in the judge's office while Allen explained what he had heard.

"Are you kidding me?" Judge Cutler said. The case was already taking its toll on him.

Hammarstein said there was grounds for a mistrial, and that at the very least the lady with the red handbag was unfit to serve on the jury.

The prosecution grumbled that we had agreed to accept that juror in an exhaustive selection. We

countered that a system that allowed jurors to put on deerstalker caps and go out on midnight detective missions imperiled the entire system of justice.

"Your decision?" Hammarstein prodded Cutler.

The judge jerked his thumb like an umpire. "She's gone!" he said. "She's gone."

The second incident transpired about a week into the trial, and involved a juror talking too loudly, and too personally, about my lead attorney, Fred Hammarstein. Fred was already a familiar face to many. He was extraordinarily skillful in extracting powerful testimony from our witnesses, and equally adept at blunting the testimony of those who lined up to speak against us. I had always admired Fred, and having him on my side, up close and personal, was a treat for me, even under those stressful circumstances.

But evidently two of the jurors took a dislike to him. My son-in-law Lee was in an elevator with a group of jurors during one of the breaks, and overheard this exchange.

"I listen to that Hammarstein guy and I don't believe a word he says," said Juror #2, a middle-aged woman with henna hair.

"I know exactly what you mean," replied Juror #8, a short gentleman in a red baseball cap. "I never trusted him before, and now we are going to have to put up with him for ten weeks."

That was the entirety of the conversation, but it alarmed Lee, and he brought it over to the defense table.

Fred laughed. "It's nice to know I'm making an impression," he said. But one of the other lawyers on the team, Ken Kirsch, felt we needed to act on the information.

It's human nature to form dislikes against lawyers and others involved in testimony, but it's against the law to voice them. because it has the effect of tainting the jury. My son-in-law brought the information to the legal team, which promptly took it to Judge Cutler. Hammarstein insisted that the remarks were prejudicial and required that the two jurors involved

get the heave-ho, or that the trial be declared null and void, and a new trial set, with an unprejudiced jury.

Judge Cutler was not amused. Everyone met with him in his chambers that afternoon and they had this conversation.

Hammarstein: "We agree that the situation calls for a mistrial."

Cutler: "I don't think so, and you shouldn't be taking this so personally."

Hammarstein: "Believe me, I'm OK about the remark, your honor. But it goes to the heart of however this trial is resolved."

Cutler: "How so?"

Hammarstein: "First of all, any juror who doesn't like me can't be bright."

Cutler: "I take your point, Fred."

Ken Kirsch: "And second, because I would hate to be Jon Gold, sitting in a cell in federal prison for ten years, knowing he was there just because some juror

thought Fred Hammarstein was an asshole."

Judge Cutler cradled his head in his hands at his desk. "This case is driving me crazy," he said. "That won't happen. Mr. Hammarstein, You may tell your client, those jurors are also gone."

The third weird incident involved a woman named Betty Polansky who was flown in from Denver to testify against me. Her testimony was that I once visited her about the Ramsey Shield, and was accompanied by Mr, Fletcher. She was right that I visited her. But Fletcher, the investigator, did *not* come along on the trip.

The problem came when Villers asked Ms. Polansky to point out Mr. Fletcher in the courtroom, because she testified that she could identify him. It was a clever tactic. It is always a devastating moment when the witness points a finger at someone in the courtroom.

But shortly before her testimony, Soames and Fletcher had switched seats at the defense table.

Asked to identify Fletcher, Ms. Polansky stood and

pointed to – Billy Soames.

His own lawyer stood to ask a question. “Will you identify yourself, sir?”

Billy stood and looked down at his feet, then up at the jury. “My name is Bill Soames.”

To everyone in the courtroom, including the jurors, it looked for all the world like Villers had coached Polansky on where to point.

Villers made a face that looked like sour milk.

To the end Villers maintained something that rather obviously was not true. He maintained that some forty women were outraged that I had represented their interests as Ramsey Shield claimants while doing part-time railroad business with Fletcher, a full-time employee of Ramsey Shield's insurer..

"It's one of the vilest betrayals I have ever seen," Villers said, “in all my days in the law.”

The problem was that all forty of the women were eminently subpoenaable, and twenty-two of them were

called in to testify. Let me read you their responses from the transcript to this question. Remember that, according to courtroom rules, none of them heard or were aware of one another's testimony:

"Did it bother you that Mr. Gold and the other parties accused here used Mr. Fletcher to do work on railroad cases for Mr. Gold's firm?"

Answer #1: "Not especially."

Answer #2: "No."

Answer #3: "It's no skin off my nose."

Answer #4: "No, and I'm not sure why it should."

Answer #5: "Not really."

Answer #6: "No, I figure those guys are professional and they can keep these things separate in their heads."

Answer #7: "No."

Answer #8: "I never thought about it."

Answer #9: "No."

Answer #10: "No. Should it?"

Answer #11: "I was OK about that."

Answer #12: "Mr. Gold never explained it, and I sort of wish he had, but I can't see how that would change anything."

Answer #13: "No, and I was very pleased with the settlement he obtained."

Answer #14: "No, I didn't lose any sleep about that."

Answer #15: "No. Considering how Mr. Gold helped me win a settlement, I was tickled pink."

Answer #16: "I know that sounds bad, but what exactly is bad about it?"

Answer #17: "No. I felt like I won the Irish Sweepstakes."

Answer #18: "I don't know what you're talking about, and I don't care."

Answer #19: "Why is that supposed to upset me?"

Answer #20: "Not a bit!"

Answer #21: "No."

Answer #22: "I can't say it did."

So there you have it. A twelve-week trial that used these 22 women to prove that I had conspired to misuse or mislead them – except that none of the women could say in what way they had been misused or misled.

The most awkward moment of the defense presentation came when my partner Don Putterman was sworn in to testify on my behalf. You will recall Don was relieved not to be among the indicted. "I couldn't take it," he once confided breathlessly to me, as if he were to be tortured and not tried. Well, none of us wanted to be indicted, but Don was a gigantic coward about it, and then he acted as if the rest of us should set aside our very real worries and rejoice on his behalf when the finger of fate turned away from him.

Don was supposed to take the stand and answer a series of simple questions about the case. It was a task anyone with a triple-digit IQ could handle, and a

lawyer could handle in his sleep, underwater. But Don bungled it. Here are a series of questions he was asked, and his answers. He was either nervous, or had some obscure plan to make himself seem so stupid he could not possibly be part of a conspiracy.

On cross-examination:

VILLERS: How long would you say you have known the defendant?

PUTTERMAN: Fourteen years. No, I mean thirty-three.

VILLERS: Is it common practice to hire the same investigators whose companies you sue?

PUTTERMAN: Gee, I wouldn't know anything about common practice. We mostly specialize at our firm.

VILLERS: Were you present the day Ms. Richards explained her story to members of your firm?

PUTTERMAN: I'm pretty sure I wasn't.

VILLERS: Would you say Mr. Gold is an honest man?

PUTTERMAN: Well, I never have caught him in an

out-and-out lie, if that's what you mean.

VILLERS: Do you think it's right to keep someone else's money, that they were awarded in a settlement, and invest that money on your own behalf?

PUTTERMAN: When you put it like that, it doesn't sound so good.

Don Putterman was on the stand for almost three hours, and by the time he was done, everyone's head was spinning – judge, prosecution, and defense. Even Villers, who had no love for me whatsoever, looked at me at one point and arched his eyebrows as if to say, "I never thought I'd feel sorry for you, but ..."

As I said, it would have been amusing had my neck not been in a noose and had I not been standing on a folding chair. Jack Hagerty, an attorney who advised me on several matters, and who was sitting in on the trial, slipped me a note midway through Don's testimony:

"Get Don the hell out of there. He's killing you, he's confusing everyone, and he's making an enormous ass

of himself."

Led by Villers, who was on some crazy rampage to burn me to the ground – and perhaps build himself up on my ashes – the prosecution tried everything, insinuated everything, flung every noodle they could fling onto the wall, end over end, spiraling and jackknifing, hoping something, please God, would stick and serve to incriminate me in the eyes of the jury.

At one point, during cross-examination, they tried to wring some negative testimony out of Evie. I did not understand this then, and I do not understand it now. I guess there is the hope that deep down the wife is angry at the husband and will say something destructive in a tense moment.

I needn't have worried, as Evie was as suggestible on the stand as the Statue of Liberty. I remember she was wearing a cream-colored outfit, and she sat with her hands in her lap, holding a white handkerchief, glancing about prettily at the judge and jury. She was adorable.

Villers thought he could alienate the jury from me if he described me as some kind of nutcase who didn't know how to enjoy himself, so he bore down on Evie. "Would you say your husband is a workaholic, Mrs. Gold?"

"Oh, Jonnie drinks a bit socially, but I would never say he was an alcoholic."

"I said workaholic, Mrs. Gold. Workaholic, not alcoholic. Does he have exhausting work habits?"

"I'll say he does," Evie responded merrily, as members of the jury and spectators chortled. "He's always been the hardest working attorney in the city. But don't ask me, ask the companies he's argued against."

From the defendant's table I was thinking to myself, say, this could be good for business. Villers made another run at it. "Mrs. Gold, please, we need you to apply all your seriousness here."

"Well, he wasn't home as much as I would have liked. He sometimes came home late, past ten or even twelve. It was always important for him to do well for me and the children. He has been a wonderful provider."

"Can you give me an example of this pattern of his?"
He wanted to cast me as a lone wolf, hungry and aloof.

"Well, he let me come along a lot. When we were younger I used to ride with him at nights when he was serving papers. We would take our first child with us at nights, him running up to the front steps to ring the bell, and me minding the baby who was in the back seat."

This wasn't the insidious image Villers was hoping to plant. He tried another tack.

"Did you go on vacations?"

"Oh yes, lots – if you consider legal conventions vacations." Again, with the jury breaking into giggles.

"He took you to conventions and called that vacation?"

"Yes, sir. One time I put my foot down and insisted we go on a real vacation. We ended up taking a one-day trip down to Lake Geneva."

"And that was your vacation that year?"

"Well, that's what he called it. It was nice."

"Did he ever set his work aside and just relax?"

"Not entirely. But I must tell you, we always had a good time. It's the kind of man he is – a hard worker. And remember too, he was doing all this for us, the kids and me."

"I see," Villers said, arching an eyebrow in the direction of the jury, as if she had just implicated me in a triple axe murder. "And did these work habits of his change over the years?" Villers was looking for any hint of marital intrigue, or frustration.

Evie sighed. "I wish they had," she said, and the jury laughed.

Villers eyed the jury as if here, finally, lay the smoking gun. "How did you adapt to the late hours he kept?"

"I always made him a sandwich, in case he came home hungry, and put it in a wax paper bag in the refrigerator," Evie said. "Jon likes sandwiches. We go through a lot of tuna."

The detail was too down to earth, and too loving for the jury to find fault with. Evie stepped down after two

days of this sort of nonsense. She wound up providing a note of levity and of humanity – I call it Evity, because it is the quality she has provided me my whole life – in what was otherwise a very tense trial.

Three days into our testimony, I called Tom DeWitt to the stand. If you ever want a character witness, the trick is to get someone who himself is of unparalleled character. There wasn't an attorney in the state that didn't know Tom, and hadn't benefited in some way from the relationship. It was like having Jesus on your side.

It didn't hurt that Tom arrived from Tucson in his old wooden wheelchair, with an attendant bringing up the rear. He smiled broadly at his old associates scattered through the courtroom, and lifted himself out of the chair and slid into the witness box smiling

Fred started by asking about the practice of law firms employing insurance company claims adjusters to do consulting work.

"Is that an unusual practice?" Fred asked. "Doesn't it seem a little fish to you?"

Tom smiled. "It might seem fishy if you;d never been fishing," he said. "Truth is, I did the same thing for twenty years, before we took Jon Gold on at our firm. And I know for a fact that the same practice is commonplace at your own firm, Fred --" and Tom glanced around the room, identifying other attorneys whose firms had engaged in the practice. "You know it's nearly a clean sweep of the firms here today."

"It's not unethical," Tom said, "because it isn't. These insurance professionals have the perfect set of skills to moonlight for personal injury firms. Yes, we know each other, and yes, we work both sides of the street at times. But we're professionals. We know how to do our jobs. And frankly, no one else knows how to do them. It;s the way it has to be. Jon Gold's firm, isn't doing something fishy. He's doing what every firm in the business does. And I am not aware of it ever causing anyone harm."

"Thank you, Mr. DeWitt," Fred said, commencing a separate line of inquiry. "People have testified that Mr. Gold is a man of shaky ethics, a sort of a flimflam man. What do you know of him that contradicts that

picture?"

Tom locked his eyes on me and gave me the most reassuring look.

"I know that I would entrust anything I have to his care," Tom said. Jon Gold is the best lawyer I have ever known. He's quick, he's a bear for hard work, and he never rests until he knows he has done his best for you.

"You know, there are a few shifty characters in my profession. Some would tell you I was one." The courtroom laughed at his self-deprecation. "And Jonathan Gold is kind of a tough guy. But he's really quite innocent. He doesn't see a lot of the shenanigans that go on, because he's not looking for them. He has his heart set on justice, and I would liken him to an anteater who has been looking for a hill, and then finds it. Those ants -- those who have caused harm to others -- better skedaddle, because Jon Gold is going to do his job!"

He told the jury about how willing I had been to drop areas I was strong in to take up things I was less sure of -- non-railroad personal injury cases, travel, office

management. The reason I took on the Ramsey Shield workload was because there was no one else to do it!

"In all my years of practice, there was no one I trusted more, because there was no one as willing to put in the hours.

"And I'll tell you something else," he added. "I happened to be on hand when Goff Fletcher started working for us. And it was not Jon Gold who brought him in -- it was me. Fletcher's a pro. He helped us get things right every single time. Jon Gold inherited Fletcher from me. I'm sorry if I have caused Mr. Gold any trouble."

And that was that. There was no applause when Tom made his way back down the aisle and out of the room. But in our hearts, a few of us were clapping.

Tom wasn't the only witness who came to my assistance. Two state district judges also volunteered. Before the rose to the bench they had been personal injury lawyers just like me. They both testified just as Tom did – that that the practice of adjusters moonlighting was pretty much universal – and they

had used them their practices. Blake Seymour and Abner Yeshiva – two wonderful men who were not afraid to risk their reputations – who would name them to federal judgeships after their testimony? – to help a friend in trouble.

Things at one point in the trial got so ridiculous that even unbiased people in the courtroom, like the bailiff and clerks, got fed up. Late one afternoon, in the middle of the latest series of outrages described by Villers, the court reporter who had come over from Prairie du Chien with Judge Cutler, a gentle man named Carlyle, suddenly stood up, stepped away from his little transcribing machine, and addressed the court:

"I'm sorry, your honor, but I just can't take this any more."

And he strode out of the courtroom. Judge, jury, spectators, and both the defense and prosecution teams watched with eyes bugging out of their heads. A court reporter standing in defiance? It was unheard-of. It was easily the single strangest thing I ever witnessed

in 50 years in courtrooms.

The judge called a recess, and after a long talk with Carlyle, who returned to the courtroom and mumbled an apology to all assembled. Then he sat down and quietly resumed tapping his keys. Cutler cautioned the jury to disregard the unusual outburst, but it was too late. The damage to the sense of "all is normal" was deep. The jury had to take note, no matter what the judge instructed.

As for Carlyle, he was true to his word. He moved to Montana, and never transcribed another trial. But he did visit Evie and me a few years later, making a special trip to Wisconsin in his motor van, to introduce us to his wife.

Toward the end of the trial, my attorneys were getting testy with me. I was morphing into the ultimate bad client, wanting to take too large a role in the proceedings. Every day, in our consults, I would say to them, "You've got to let me testify. I want the jury to have my story from me. I'm anxious to speak my peace."

Fred Hammarstein would roll his eyes and look up at the neon lights – I think he thought it made him look prophetic – and say, "Jon, don't be an ass, you'll kill us."

The other attorneys were about as supportive. "If we put you up there, people will see you pimples and all, Jonathan. The other side will go nuts and say it's unfair to put you up there to do what you do best, but withhold you from direct examination."

The cross-examination alone could put you away," Fred said. Remember the grand jury – they didn't buy your testimony, and neither will these people.

"It's unthinkable!" Fred raged. "You are talking about taking a case that it took us nearly a year to assemble, tiny piece by tiny piece, and put it all at risk by allowing you to testify and be cross-examined. My brain is full of neurons, and you're making them all barf!"

"So you'll think about it?" I asked, hunching my shoulders.

Ken Kirsch blew grape juice out of his nose. I had a good team, but they could be very unprofessional.

I would sit for days in the courtroom making notes to myself, then stay up all night composing the final summation. I wanted to make all the rational points my lawyers were expounding. It was absurd to think I would risk my livelihood and my future and my reputation to make a showy speech – but I also wanted to go to a place where my legal team couldn't go – into me, into my heart.

When it became clear that they were not going to allow me to testify, I opted in my own mind to prepare a final summation. I pumped my lawyers for their ideas, and weighed what was most important. My legal team didn't realize it, but I was preparing a major surprise.

Robert Villers' summation for the prosecution was brutal, and deeply sarcastic. He likened my lawyer Hammarstein to Richard Nixon, complete with Nixon's trademark scowl and "V for victory" hand signals.

Villers hammered away at little things that appeared to

cast doubt on my integrity. I was a liar. I lied about everything. I cheated my clients. I embezzled their funds. I conspired with colleagues. I despised ethical behavior wherever it reared its head. He did not mention my penchant for swiping candy from babies, but I know his time was limited.

At one point he produced a cookie jar and showed it to the jurors. "When I was a child and I swiped a cookie, and my mother caught me," he told them, "I had only one recourse, and that was to start crying. That's what the defense is like. They're crybabies. They refuse to accept responsibility for what they have done. Nothing is ever their fault. They," he said, pointing to Hammarstein and me, "are the problem we have with America today!"

I believe Villers was determined, even if he lost the case, that he would hurt me as deeply and as permanently as he could. Therefore, he threw everything he had at me. He held nothing back.

But finally, even Villers ran out of mud to throw, and

he had to stand down. And then it was my turn.

Each investigator had his own attorney, and each attorney gave his own summation. Each attorney did, in my opinion, a very good job of sorting out the complexities of the case and showing why no crimes had not been committed by their clients.

But when my turn for summation came, I stunned my team with an announcement.

“Fellows, I'm going to to handle my summation myself.”

You could have heard a fly hiccup. I thought Hammarstein was going to have a stroke, he was so livid.

“We've got this far, and you're going to eff this thing up at the last moment?”

I sighed. I liked Fred and I did not want to cross swords with him.

“Fred, you're my friend as well as my lawyer. You know

how I feel about this. This isn't your case, it's mine. It's my life. And my mind is made up.”

I wasn't firing Fred, I pointed out – I was just setting him aside, the way you leave your driver on the bag when you step onto the green. It was just something I preferred not to delegate.

And since it was a final summation, we didn't have to worry about cross-examination. So Fred was off the hook.

Nevertheless, Hammarstein was aghast, and refused to accept my decision. So we met, my team and I, with the judge in chambers to discuss the problem.

Fred was eloquent. “Your honor, if he does this, I will abandon the case. If he goes to jail because he says some stupid thing, I will feel terrible. Giving him his way on this is malpractice!”

He turned to me. “You do realize you are putting yourself at risk of making statements that will jeopardize your freedom?”

“Yeah,” I told him, looking down at my shoes. “I read

that somewhere."

The judge arched his eyebrow. "He's within his rights," he said, and the matter was settled.

"You get your way, Mr. Gold. And I wish you good luck out there. You're going to need it."

Fred didn't quit the case. He stuck it out with me to the nail-biting end. And I will always be grateful to him for that.

On the fifteenth day of November, in the twelfth week of the trial, I stood for the first time and approached the jury box. I was wearing my lucky blue suit, and a red striped tie Evie had picked out for me.

It was great to be standing in front of a jury again, even under these tense circumstances, where the wrong word out of my mouth could land me in prison.

I did the conventional things. I pointed out the inconsistencies in the prosecution's case. I reminded them of "20 hour Wilkerson," and how badly his testimony on the integrity of documents compared to

our side's.

I reminded them of the testimony of the 22 “wronged” women, who unanimously denied feeling wronged by me.

I reminded them that, in this whole cockamamie case, no one has ever shown that I had hurt anybody in my business. The obvious reason was that I had not hurt anyone.

Finally, I did what I always do, and this was less conventional. I invited them to take a walk with Jonathan Gold, and to see this whole unfolding story from my eyes for a moment.

And this is what I told them.

"I appreciate the time and your conscientious observances of this trial. I know you've been looking over at me a lot for the past twelve weeks, wondering if I'm as bad a man as the prosecution has suggested. And it's an interesting experience for me, because in my career I have always attempted to capitalize on the doubts and suspicions jurors may be having. I wasn't a

criminal lawyer, of course. I was always suing someone else, a big company usually, for wrongs that had befallen my clients.

"So naturally, I played to the idea that my clients were the little guy, suffering at the hands of the defendants, who were invariably the people with the deep pockets. Occasionally my client would be unattractive – have a dubious story or personality – and then I would have to be more persuasive. But usually, it was not a terrific challenge. I did my best, and good things happened."

I could see several jurors leaning in to me as I warmed up. I was letting them into my head. Next came my heart.

"Today is a different story. I'm the guy in the chair, and the prosecution has thrown everything they've got at me, painting me as a greedy, lying, calculating, sloppy, conspiratorial monster. There were days I wanted to jump up and tell you that it wasn't true, I was a good man.

"I was not like that kind of guy. I care about my clients, and about being a fair and honest and ethical lawyer.

"Yes, I have been friendly with Mr. Fletcher. We've been friends for twenty years, sometimes on the same side, but actually, more times on opposite sides. Remember, he never did a Ramsey Shield case for me, only railroad cases. I knew him long before I ever heard of Ramsey Shield. We had a very clearly remarked line between these functions. I never got cute with him and asked him to throw his employer under the bus for me, and he never offered to do it. Though the relationship was profitable to us both, it was a professional relationship. This conspiracy charge against us is a phantom. We both did the right thing – he for his employer and me for my clients

"I'm not saying we didn't have a cordial relationship. He has had my wife and me to his home on three occasions, and I have sampled his bean dip, and one time I drank his Scotch. And if that's what constitutes conspiracy these days, then I'm in big trouble. And so are a whole lot of other people. That's how Americans do business. They schmooze. I'm friendly with numerous lawyers and investigators. My former partner and other members of the firm, and two

judges, testified that

"When people schmooze they feed each other and treat each other like human beings. It's not criminality, it's civilization. I know that Mr. Fletcher had his gall bladder taken out in April of 1979 because my books show I sent him some flowers wishing him a speedy recovery. How much did I care about his gall bladder? A little. I was happy he did well. But the flowers were business. He and I both knew that.

"Mr. Fletcher is a solid investigator, one of the best in the business, and the medical evaluations that he has provided me on railroad cases has helped me feed my family and pay bills. The fact that he also worked for an insurance company I sometimes argued cases against should be a point in my favor, not evidence that condemns me. I knew he was good, because he was good against me.

"Looking back, maybe that wasn't the best decision I ever made. And the bookkeeping did get a little clever at times, a point I am conceding, even though I had nothing to do with it. But on the merits of his services,

and the results they led to, for all my clients, I have absolutely no regrets, and no ethical qualms."

"There is a standard we require in cases like this, and it is criminal intent. And I can swear to you, there was no criminal intent in any of these actions."

From the corner of my eye I caught one woman juror nodding almost imperceptibly. I reminded myself. Lay it out for them. Be a mensch. Don't get slick.

"Friends, I think what we have here is a scare case. When an industry or a corporation sees it is under attack, the very best response is to conspicuously destroy a prime attacker. Locate an opponent, and then focus all the resources your industry can bring to bear and killing that one person. And do it right, with a major three-month-long trial, with a train of witnesses stretching all the way to the coast, and headlines in every day's paper, and a swirl of scandal that reaches all the way down through the world of personal injury law.

"That's my world, but it's also your world, because it's the only place an ordinary American has stature to go toe to toe with the forces of wealth and influence who run this country, and who almost always, outside the courtroom, get their way."

"They figure, if they can nail Jonathan Gold here today, they can roll back time, to before 1982, before anyone knew that this company put out a product that has caused the deaths of scores of women, and the illnesses and deformities of hundreds of tiny babies, before a wave of threatened lawsuits gather steam and change the company's fortunes for the worse.

"They," I said, "want to have the right to hurt you without you having the right to hurt them back. And that is what is at the heart of this case."

There was a rustling of papers at the prosecution table. But all eyes were on me. Because this was the fulcrum moment, the moment of perilous balance, when the knife stands up on its tip and prepares to fall, when I either persuade these people who have power over over my freedom, to let me go, or to send me, and Evie, and

my kids, to hell.

"Folks," I say, and I know a tear is forming in my right eye, and starting to sting, "I am like you. I am an American. I love my freedoms. I love to work. I love to practice law and do pretty much what I am doing at this moment. I am so blessed to be here, even in this awful moment, and I feel I have not been sufficiently grateful for this truth before in my life.

"I know I'm kind of a hotshot lawyer. And I know this is a sweet moment in the minds of some, because it means the mighty are about to be brought down low. That's the dark aspect of the American dream. We love to see 'em fall.

"I am putting my freedom in your hands. You must decide this awful question. Is it a good thing that guys like me are free to stir up trouble for big companies, in order to help ordinary people, and to benefit as I have?

"I am here to tell you, I know I'm not Robin Hood. I've had the most amazing career. I would love to stand here and tell you about some of the cases I have been part of, and the lives that have changed for the better

because judges and juries found for my clients.

"It is such an amazing story, and you would forgive my sloppiness, because I have been part of the process of healing the world. An imperfect process, I grant you. But the healing has been real, and I am a better man for it."

I paused and took a deep breath, and closed my eyes, then issued my final statement.

"There is one last thing I need to tell you. I want to make a solemn promise to you now. It is one I make on the eyes of the people I love – those people seated right behind the defense table – my wife, my daughters, and my son. I beseech you to find me not guilty, for their sake. I love them so much, and if this trial has taught me anything, it is that fact. It is my greatest blessing in life to enjoy their love.

"But –" I cut myself short. "I know that there is a chance that you will look at the evidence that has been amassed by the prosecution, and vote to find me guilty. They have a lot of it, if you value these things by the number of pages of evidence. No one will say you

didn't do your job.

"If you find against me, I want you to know, with my very soul hanging in the balance, that I will never say one word against the jury system on which this country's justice is founded. I know it's not perfect. By God, I have seen it come up short in my experiences.

"But that doesn't matter to me. I will still believe in it because it is practically the best invention man has come up with – the honest judgment of one's own peers, pitting your decency and your wisdom against the confusions of evidence and the imperfectness of human nature.

"This system that you represent is what has given me a chance to earn my living, to feed my family, and to walk tall among my fellow men. It allows the little guy to stand up against the big guy, however imperfectly, and that is something human beings have struggled to do, mostly without any success whatsoever, since the days of Moses, and maybe before. And to think I was born in this country, a tailor's son, and was able to stand here and be that little guy, and speak his truths. I

have to ask you, am I a lucky man, or what?

"And I will be grateful for that until the day I die, and I will never utter one syllable of complaint against you, no matter what you decide. Thank you and God bless you."

A single daub to the eye with a court-issued Kleenex, and I floated back to my chair. Fred and Bob took my hand and clasped it in silence. But my eyes locked onto Evie's in the oak chair directly behind mine. I could see into her soul, and it was all chandeliers and candelabras, every light was on.

In that moment, I knew I was free, no matter what came next.

The judge gave the jury their instructions and they filed out. They were staying in a deliberation room talking things through. We knew that they had requested several clarifications from the judge, and asked to see several pieces of evidence again. What that meant, no one knew. We couldn't stand it any longer, so we left.

Hammarstein told me to expect deliberations to take two or three days. Evie and I were nervous as hell. We couldn't eat. Didn't have much to say. Mostly we went for walks through the neighborhood around, hand in hand. For all we knew, we were about to lose this last, simple pleasure. So even our hand-holding was intense.

I got the call before breakfast from Hammarstein that the jury had arrived at a decision after only one day. And that is where my story began, when you first picked this book up, with me standing beside Evie, my knees almost knocking with fear, and that impossible feeling you have when you know you have done everything you could, but in the end, success or failure was not yours to claim. It had to come as a gift, from twelve strangers.

"Have you reached a verdict?" Judge Cutler asked impassively.

The foreperson, a red-haired man named Tim McGuire, stood, and I thought he might pass out before I did.

"We have, your honor," he managed to gulp.

"And what did you find?"

You would think this next part would only take a minute or two, but it went on for about twenty minutes. First the foreperson went through all the mail fraud charges against the investigators. Not guilty,

They didn't lump all the charges into one mega-charge. No, they went painstakingly through one after another. It was simultaneously both terrifying and boring. One finding of guilt among all these charges, and my case was in jeopardy.

Then all the conspiracy charges against these same investigators. Not guilty.

It would be a long time till they got to the charges against , but I liked the way things were trending.

Then came the two charges against Fletcher – not guilty and not guilty.

A semi-humorous aside in the midst of our terror. As the first two investigators were chalking up one “not guilty” after another, Bill Soames' attorney turned to him and, wickedly, whispered:

"Psst! Bill! They're pinning it all on you!"

Fortunately, Bill knew his attorney was an inveterate joker. For my part, I'm glad I didn't hear it. Finally it was my turn, and McGrew began the first of the 57 charges of mail fraud –

“We find the defendant not guilty.”

I suddenly realized I had not drawn breath for a while, and gasped for air.

McGrew led us painstakingly through 57 separate charges of mail fraud, and 57 cases of case of conspiracy. After each one, the blessed phrase, “We find the defendant not guilty.”

Our favorite word in that sentence? The word *not*. Below the table, Hammarstein kicked my shoe with his, but he did not need to signify anything to me. I knew what was going on. It was a clean sweep. Not guilty on all 57 charges. The whole lot of us.

"Let's come to order!" the judge said, rapping his gavel to drown out the hubbub all around us.

I glanced over at Evie. She was dying of happiness and

yet she was weeping. Giant tears were rolling down her cheeks and splattering the marble floor around her. Seeing her, I began to weep also, but it was a wonderful weakening, a feeling of everything letting go at once. I reached out to her and nearly fell over the heavy yellow oak chair between us. Papers rustled. Reporters ran for the exits.

The effect was like the one you get when you leave a pressurized building, and the power of the pressure blows you through the revolving door. It was over, and we were still standing. We had been given our lives back.

And if you think I have the words to describe to you how that felt, you would be wrong. Almost thirty years later, I have still not found those words.

The trial that ended November 19, 1982 was noteworthy for several reasons:

It lasted twelve weeks – an extraordinary length of time for any case, much less one in which there was no

injured party.

Hundred of mistrial motions were made, about a third of them made on grounds of "prosecutorial misconduct."

Jurors had to be disciplined. Other jurors stood up to vocally complain, on two separate occasions, about the long hours Judge Cutler was putting them through.

"Judge, we're exhausted, demoralized, and confused," was how the foreperson put it.

"I sympathize," the judge replied, adjusting his glasses. "I feel much the same way myself."

One hundred and eleven people testified in all, some for a couple of minutes, and some for days on end.

A court reporter stood up and walked out on his job – and had to be coaxed back into the courtroom.

An defendant delivered his own final summation – a great rarity – and lived to tell the tale.

"It was a Kafkaesque experience," one of our attorneys told a reporter from the *Daily Sentinel*. "We had a

crime that had no victims. We had rules that made no sense. We had a prosecution that stopped at nothing to win. We had a charge that nobody understood. Twelve weeks into the trial, no one had a freaking clue what the phrase 'compromising litigation interests' meant.”

Another member of the team put it more bluntly. "It was an ill-conceived prosecution that we stuck up their ass," he said. And at the moment, no one found that characterization to be out of line.

Another of the attorneys, whose life had become so intense during the preparation and the trial that he had moved out of his own home, got into a shouting match with one of Villers' assistants in the courthouse lobby.

"You threw everything you had at us!" he screamed, gesticulating wildly. "Now why don't you do the country a favor and retire!"

And Villers slunk off like a wounded lion, his briefcase dragging, to lick his bloodied self.

And my good old friend Putterman? I noted when I

entered the courtroom that morning that my partner of twenty-seven years, a man whose financial future was inextricably intertwined with mine, a man whom I lifted up and made rich, did not think it worth his time to be on hand for the verdict.

I learned from colleagues that he spent the day in California at Pebble Beach, teeing off into a twenty mile an hour headwind, and beating his personal best on the 36 holes by two points.

What a guy.

Villers never got over losing that day. He had placed all his chips on wrecking one lawyer's career and life. He thought, if he could do that, his name would become golden among the rich groups he traveled in, the department store and bank owners. Taking me down was a favor he concocted to do for the investment classes, a way for him to prove his fealty to them.

And he lost, badly. His reputation never rose again above the bottom line. He sank into drinking, and blaming, and self-hatred. He died a bitter man.

I would feel sorry for him, but even after all these years, I am a little short of empathy for the guy. He tried to wreck my family, and that is where my compassion comes up short.

People came to the house that evening. They streamed in, offering their congratulations. It was like the last scene in *It's a Wonderful Life*, where everyone is rejoining Jimmy Stewart's life. Everyone came – friends, colleagues, neighbors, our families. Everyone felt so relieved, and so happy for Evie and me. We found out that night that we were loved.

‘God, what a day that was!

And so began the most wonderful season of peace, that was to last four years. We found time for friends we had seen little. My business, which was slowed because of my absorption in my own defense, began to grow again, especially my staple of railroad cases. Evie and I took trips together, around the U.S. and to places we had always talked about visiting.

Not all was well. The atmosphere around DeWitt and

Gold had definitely soured during the trial. My feeling was that I had taken a bullet for the firm, defending its good name and assuming all responsibility for the accusations. I had paid, out of my own pocket, the legal fees for all five indictees, including Mr. Fletcher's. These fees, by the time the dust settled on the twelve-week trial, and all the research and legwork leading up to it, came to over \$2 million.

So you can imagine my dismay to discover that Putterman had colluded with the other partners to cut me out, rather than in, to the year's earnings.

They had a point of view, to be sure, which was that I was not bringing in much new money to the firm during my period of torture. Further, that I was close to being a liability in terms of the firm's reputation.

It was a genuine dispute, and the first casualty of it was the sense of team spirit that had carried us through the crisis – all for one, and one for all.

I took a large reduction in compensation for the year.

Weeks turned into months following the November 1982 acquittal, and the months lengthened into years. I spent the time renewing acquaintances, trying railroad cases and getting good results, feeling good about myself, and learning, without much success, how to hit a golf ball.

Life seemed to resume something like normalcy. Bad feelings in the office – them being impatient with my problems and me feeling betrayed and unappreciated by them – began to die down a bit. Evie and I made some tentative forays out into the world, enjoying the sights and smells of life outside a courtroom. We began to dream dreams again.

"I'd like to see Venice sometime," she said to me over roast beef.

"Italy?" I asked. "Yeah, Italy!"

CHAPTER 8
**The next best thing
to double jeopardy**

Then it happened. The same old storm that we thought had blown itself out began to whip up again. The postal delivery person was at the door with a document for me to sign, It was a petition from the Board of Professional Responsibility – the ethics arm of the state bar association.

"We should maybe postpone Venice," I told Evie, tossing the opened letter onto the kitchen table.

"Oh, Jon," she said, and slumped in the chair.

This time it was not a federal indictment, but something even more personal – a formal hearing by the Office of Professional Responsibility was announced in August 1986. The purpose of the inquiry was to determine, for a second time, if I had violated ethics rules by working with Fletcher on railroad cases, at the same time he was doing insurance adjustments for Pompeii Insurance.

The hearing – it was called a hearing, but it was really a trial, and the consequences were every bit as binding – would also take a second look at such matters as how we handled funds in our possession, and whether we had violated clients' rights. Only this time, I was the only guy in the dock, and the punishment wasn't prison, bit disbarment.

Yes, you read that right. It was to be a do-over of the 1982 case that had been the source of so much craziness, bitterness, misdirection and stupidity.

A groan went through the legal community, with many complaining that the second trial smacked of double jeopardy. It wasn't, technically, but I can attest to the idea that it sure felt that way. They – the vague cabal of people who didn't like the idea that personal injury lawyers could use the law to obtain justice for their clients, and make a living doing so – just couldn't stand Jonathan Gold, and thought something had to be done to stop that awful man. They couldn't get me the first time, so they wanted another crack at me.

I realize that sounds paranoid, but you try standing

trial twice for a crime that never even occurred, that had no victim, and in trials that seemed bound to destroy your health, wealth, and reputation, whether you were guilty of wrongdoing or not – and see how you feel about it.

The stakes were not as dire. I would not go to federal prison if found guilty. But it was still plenty bad: I could be disbarred for life, ruined as an attorney, unable to practice and earn a living, and my reputation cast into the dumper.

The petition was full of the customary whereases and forthwiths, but the message was clear. Evie and I were invited to join our enemies for another plunge into the bowels of hell – and we wished to hell there was a way to RSVP our regrets and say, Sorry, we are unable to attend.

On its face the second trial was an internal matter for the state's legal profession to police itself and see if one of its foremost licensed practitioners (me) was a crook .

Epilogue

Following this final disposition, my life took a sharp turn. I was wrung out and needed a change in the way I saw myself. Where I had been the top gun lawyer, I now became less individualistic, less opinionated, less the star in the spotlight. I emerged from the battle humbler, and less self-certain.

It was to be a wonderful period in my life – in the life Evie and I shared. It was as if I suddenly had time, and the mind-space, to do all the things I had set aside all those years. To travel, to read, to reflect. I could just shut up for a change, and listen.

One of the best things that happened to me following the conclusion of the lawsuits was a deepening connection with three different legal societies: The International Society of Barristers, the American Academy of Trial Lawyers, and the American Board of Trial Advocates. I had long been a member of all three groups, but now I was less busy and so was able to get involved. It was a deep pleasure for me, and a great help in rehabilitating my reputation as someone who is

passionate about the law, which people tended to forget over the twelve years of negative headlines.

I became a board member or officer of all three organizations at different times, and one of the benefits of the work was that I got to travel with Evie to places I had never been. We traveled through the Andes in Peru, up the Nile above the Aswan Dam in Egypt, to China and New Zealand and Scandinavia and Japan.

It was a time of great enlightenment, after so many years curled in a ball, plotting my legal defense, to be out and seeing the world and its wonders.

I remember one time, on a ship off the coast of Italy, I was talking to a man in the bar.

“Well,” I said, “after all I've been through --”

“Eh, monsieur? What is it that you have been through?” The man had no idea. Suddenly I felt a weight slip from my shoulders. All that was in the past. I no longer had to explain myself,

It is now 2010, almost thirty years since my indictment, and eighty-five years since the boy who sold newspapers and shoes came into the world.

This story has taken me twenty years to tell. When I began it, in 1989, it was with the attitude that I had been falsely accused, and I needed to mount a defiant response. The thought was basically "I'll show them!"

My desire for revenge was pretty graphic. Everyone who had a hand in falsely accusing me would be ground into a pink paste. Everyone who betrayed my friendship and support, who turned me out of my own business, and ransacked my good name, would be buried to the chin in sand, and covered with chocolate syrup and maraschino cherry juice, then left alone for the ants and wasps to feast on.

I was a wounded man, and I wanted to lash out at those who wounded me. I was trained as a courtroom gladiator, and my instincts have always been to reach for my broadsword.

These, after all, were the people who were willing to

take away my freedom, take away everything I had accomplished, even though the very trials they put me through created a new requirement for indictment: that someone needs to have been injured, someone needs to have been wronged. One reason I was acquitted was because the prosecution, and later the board of professional legal ethics, failed to show that anyone had ever been harmed by my actions.

And yet I, who could not be shown to have harmed anyone, as nearly harmed to the max – with impoverishment, imprisonment, and disbarment. That's how I saw it.

But a funny thing happened. With the passage of time, the awful wound scarred over. It's not like it went away. I can still talk myself into a fit of unhappiness about it. I still don't like the people who turned on me. The scar tissue does not take much scratching to bring it back to bloom, if only for an angry moment.

I try not to do that.

Time, all by itself, finds a way to resolve these issues. Think of the two people who played such major roles in

my little passion play, and consider what became of them:

Robert Villers was the prosecutor in my case. He was the rich kid who lived by the lake shore not far from where I grew up. I will never understand why he was so passionate about putting me behind bars. Was it because I was low class, an immigrant's son, and he didn't think I deserved to be successful? Whatever the reason, he pulled no punches in the trial, making every possible insinuation against my character, seeing every action I undertook as felonious in intent.

That man hated me. I know that at one time he harbored political ambitions, to run for Congress. Perhaps he needed a big success in court, putting away a major criminal to enhance his reputation. But why me? I was no Al Capone. I was just a guy with a valise, trying to do good to make a living. I have puzzled over this, and have been unable to come to a conclusion. All I know is that his career never took off. His drinking habit worsened, and by the 1990s he was retired, and by all accounts, a disappointed man. He even had the pleasure that he once gave me, of appearing in the

newspaper accused of a crime. Only his was wife-beating.

I heard that Villers quit drinking eventually and became involved with a 12-step program for members of the legal profession. I have since learned that he died. But before he died he helped dozens of men and women break a habit that was rooted in the insecurity many lawyers feel about themselves. How can I be a master of the universe, they ask themselves, when I can't even master this crummy bottle? Bob Villers found the answer to that question, and he reached out to others and shared it. So I say, despite the bad thing that happened between us, good for him.

So I forgive him. But the fact remains I have no insight into the man. I have to file our experience under the long list of things I will never understand.

Donald Putterman. My young partner, my protege, and my nemesis. Oh, Don – whereas I didn't understand Villers, I understand you all too well. You were a man without a compass, a moral coward. What other people are born with, or are taught by their parents or by

society – a conscience – was missing in you, and could not be developed. Whatever served you best, that was always the way you took. When it suited you to live under my protection and care, that's what you did. But when the winds shifted, and I looked for even the most fleeting moment to be a drag on your success, you not only cut me loose – you weighted me down with rocks and lowered me overboard, hoping I would sink to the bottom!

The only thing I can recommend about our experience together is that it is very interesting to know an actual Judas – someone who schemes and intrigues to destroy you in order to further himself. "Interesting" somehow does not cover it. It was like having a terrible disease, the kind that will either kill you or take you to within an inch of death, and only then you get better.

Donald got exactly what he deserved – a nice, empty, unexamined life. I see him from time to time, at the golf course or at a professional gathering. I can see he still likes to tell jokes. I am told he still shaves points from his golf game. His punishment for not having a soul is just that – he doesn't have one, and can only

wonder what having one must be like.

I wish him no ill. But I hope he doesn't win the Powerball lottery, either. Like the judge said, "Enough is enough."

So, not bearing either of these two gentlemen ill will, how have I carried forward? I have devised what I take to be a course of revenge with superior prospects for good mental health. I have lived, and loved, and laughed, and limped on.

One of my ironic pleasures is that Villers and others wanted to run me out of the law, but here I am in my 80s and still living in the law. Not only do I remain a lawyer, but I am an official arbitrator, doing regular gigs for the county and arbitration associations.

As arbitrator or mediator I meet with parties who are in dispute and work with them toward a settlement. First I talk to the disputants privately, to get the facts and get a sense of what they really want, what they are willing to settle for. As an arbitrator I am very proud that about 90 percent of all my cases are resolved without going on to trial, sparing everyone, including

the state's five million taxpayers, a lot of expense and aggravation.

Oh, and I get to wear a judge's black robe. Villers wanted to see me in black stripes, and instead I'm a sort-of-a-judge. Fancy that.

And I love it. I love the problems, the psychology, the keeping-busy part of it, the wonderful position I am in to leverage agreement and to get those nasty wounds on the part of the first party, and on the part of the second party, to start mending.

Who would have thought that the old warrior would wind up a peacemaker!

Oh, and I left out the best part. I get paid \$300 a shot to resolve these disputes. I am reassembling my fortune, one quarrel at a time.

As I write these words, which I am so grateful to you for reading, I am well into my 80s. Old enough to have lived through world wars, the destruction of huge systems, the annihilation of whole economies and the births of new ones.

The things I saw and did are already becoming lost in the rush of time. The way I practiced law will soon seem as quaint as airplanes with propellers, or typewriters with ribbons.

But I write because I was a witness to these events. And though I was not a person of inestimable merit, not a great man, I lived a lucky life, in which I was allowed to vault past the limits imposed on my mother and father, to go from being a member of a harried, anxious minority, to being an American Jew in the very best sense of the world – a man of the law, a carrier of civilization, a litigator who knew how to achieve peace in the courtroom by uttering words and filing documents.

How lucky that was, and how lucky I was to stand on the shoulders of so many who went before me. and who stood alongside me.

It's a funny thing. A man like me is supposed to age into a patriarch, full of knowledge and certainty. But in truth, the older I have gotten, the less certain I feel. The old man really does have feet of clay, and more

and more, as I draw nearer to the next doorway in life, I don't mind that truth.

I learned, along the way, a handful of important lessons, which I will summarize for you, as a kind of farewell bouquet:

I was a part of a movement. In the 1950s and 1960s, Jews went from being exotic outsiders in American life to defining excellence in the general population. We saw it happening in show business, in literature, in business, in academia, in science and medicine, and in law. The old prejudices – we spend our winter just a mile from a country club that still conspicuously, has no Jewish members – did not disappear entirely, but they became the exception instead of the rule.

The triumph of this era was to make that strain of anti-Semitism almost quaint, the expression of an era that is, I solemnly pray, gone forever.

My generation put us on the map, and I played a part in making that happen. And I'm proud of Evie too. She became a leader in Hadassah and a fierce supporter, like me, of the nation of Israel, a place whose very

premise is change – never again! And we have stood by it ever since, with pride.

The practice of law evolved. When I hung up a shingle with my first partner in 1951, the idea of specializing in personal injury was still developing. Most firms included it as part of their practice, but few focused on it. Even those who saw its potential, as Tom DeWitt and I did, did not envision it growing the way it has, with large firms scouring the populace for prospects. For a long time ethical considerations hemmed lawyers in. We were not allowed to solicit or advertise. Anyone with a TV knows that is not the case any more.

During my time, personal injury law was the only things standing between some families and ruin, brought on by some kind of injury. Personal injury lawyers was the only chance these people had to hang in there and live a life. Big insurance companies wished we would go away. But over time, even they had to concede we were a necessary part of the ecology.

I don't blame businesses who are gun-shy about lawyers sharpening their knives at the thought of their

company assets. There is still necessary and valuable work being done, but there is a lot of predatory stuff happening as well, and I condemn it. It was better in the old days, when ethical guidelines held attorneys in check.

What happened? I changed. In my forties, I saw myself as a knight-errant, cruising the kingdom for rights to wrong, weaklings to shrug off, and fair ladies to wow. But my life changed almost the moment I was indicted, and I stood in front of that miserable camera, holding my number in front of me. Then I was more like the surgeon who gets cancer, or the bus driver who gets run over – everything turned upside down on me.

The pain, as Bill Cosby used to say, was tremendous.

And I fought. Evie and I fought. My whole family fought a war to keep from disappearing down that hole. And depending on your perspective, we either lost the war or we won it. In terms of future earnings, fame, bright lights and all that, I lost. Other attorneys swooped into the space that I vacated, and picked up the flag, and they became the household names, with

their commercials interrupting Oprah and Judge Judy every ten minutes, and not me. Which is fine with me, and I say, more power to them.

But I maintain that I am still a big winner. If you never fight a fight, you never know what is at stake. If you never fail, you never know how good it is to win. And if you are never knocked down, you never know what a gift it is to look up and see your true friends standing over you, and offering you a hand to get up.

The great beauty that I have experienced is that ambition isn't everything, indeed it may start you on a path to one kind of success but at some point it becomes an obstacle to what constitutes true success.

And isn't it a lovely arc, my personal "pearl" of wisdom: I rose on my own steam, then I fell in a heap, then I was able to get up and rise again, improbably, with the love of others. What a great lesson for an old grump like me! No matter what happens from this point on, it has been a most amazing walk.



Personal Injury is the inspiring tale of an American attorney – his rise, then fall, then rise again. Jonathan Gold is one of the nation's most accomplished trial lawyers, until two Fortune 500 companies decide to teach Gold a lesson. A federal trial, followed by two additional trials, bring him to the brink of ruin. In the end,

his faith in the law is vindicated.

About Norman Perl

Norman Perl was a leading practitioner of personal injury law during its period of greatest growth, in Minneapolis.

