

ONLY THE GOOD

BY ROSEMARY REEVE

CHAPTER ONE

If I hadn't had dinner with my clients before I left Bellingham, the police would never have known I was in town. But after being crammed together in a conference room for three days of depositions, you get chummy with your clients. When they suggested drinks and dinner at a nice restaurant called *il fiasco* – which sounds like pretty poor advertising but actually means "flask" in Italian – it seemed churlish to decline.

For a bunch of insurance executives, my clients were sort of fun. In-house counsel Leah Batson was tall and ramrod-thin, with masses of frizzy brown hair and an explosive laugh. Claims manager Jerry Franks was as short as Leah was tall, a dapper, fussy little man with a droll wink and a much-consulted pocket watch. And senior vice president Carl Moore was tall, distinguished, and soft-spoken. Over pasta, the four of us dissected the days' deponents.

Leah turned to me just as I plopped a forkful of capellini in my mouth. "Jack, correct me if I'm wrong, but didn't that guy you deposed this morning pretty much admit that the paper mill knew their processing chemicals were leaking into Bellingham Bay?"

I swallowed hastily. "Yes, he did," I said. "But he claimed it was an accident."

"An accident that the mill happened to commit every other day for twenty years?" Carl asked, leaning back skeptically in his chair.

"Yes," I confirmed. "A *prolonged* accident."

"So where do these depositions leave us, Jack?" Jerry Frank peered at me over the rim of his wine glass.

So much for dinner. My clients wanted legal advice. In this case, that meant a deep dive into *scienter*, or state of mind. That's what their coverage exclusion turned on, and that's what the depositions had established.

"They could turn out to be vital," I said, abandoning my pasta. "Under the mill's policy with you, American Fidelity has no obligation to indemnify or defend the mill if the mill knowingly dumped the chemicals. From what we've heard over the last couple of days, clearly, the mill knew that chemicals were escaping during paper processing. They said it was an accident, but they still knew. I think that gives you a strong case for summary judgment that you have no obligation to pay for the environmental cleanup. Because you guys write your exclusions so well, we don't have to prove intentional pollution, which would be a lot harder on these facts."

There were satisfied nods around the table. Good enough. A happy client pays their bills. Now for the caveats.

"But we should consider filing right away. If the mill goes into bankruptcy – and they might, given their financials – then it's not just the superior court that's going to be assessing your coverage exclusion. It's potentially the bankruptcy court as well, and all the environmental agencies that might be looking for a deep pocket."

The satisfied nods subsided. I nipped a quick forkful of pasta into my mouth. "How soon could you get a summary judgment motion together, Jack?" Leah asked.

I swallowed fast. "We'll have to wait a couple of days to get transcripts of the depositions, but once they're in my hand, I can draft the motion, the memorandum, and the supporting declarations and shoot it all down to L.A. for your review within a week. Assuming you're OK with everything, we can file by the end of October."

"Good." Carl seemed pleased. "Let's plan on that, Jack. By the way, you've done a great job on this case. I was a little worried when Dan Bradford told us he was delegating most of the work to a senior associate, but you're more on top of things than Dan."

A chimp with attention deficit disorder was more on top of things than Dan, but I didn't tell them that. "Thanks," I said, uncomfortably aware that the tips of my ears were red. "It's been great working with you. If we can get you out on summary judgment, I'll be psyched, but I'll miss you guys."

"Don't worry," Leah assured me, swirling the melted wax in the cornice-shaped candleholder. "We'll be back on your doorstep before you know it. We get sued all the time."

Talk around the table soon veered from legal matters to more personal topics. I asked as many open-ended questions as possible to draw them out and give myself a chance to eat. Even though they were based in Los Angeles, all of them had ties to the Northwest. Leah Batson was married to a Vancouver investment banker. She and her husband spent every other weekend together in Seattle, a convenient meeting place between Canada and California. Leah blushed as she talked about her husband, and Jerry Franks gallantly interrupted her and agreed that Seattle was the ideal place for a romantic rendezvous. He and his then-wife had conceived their twin daughters in Seattle, he confided with a twinkle in his eye, during an unforgettable visit to the 1962 World's Fair.

"It was the Space Needle," Jerry said. "It inspired me."

As for Carl Moore, I learned to my surprise that he was from Seattle - just like me. Unlike me, however, Carl had moved to California in the late-1980s, just as half the state of California seemed to be moving to Seattle. He had sold his Laurelhurst house for a grossly inflated sum to a Los Angeles transplant, then paid bottom dollar for a nice place the Hollywood Hills.

"Like they always say, 'Buy low; sell high,'" Carl said, smiling. "How about you, Jack? What's your story?"

"I'm a Seattle kid, born there and never left," I replied. "I'm what's known as a Double Dawg. I played two seasons of college ball for the University of Washington. I got hurt, so I ended up at the U-Dub law school instead of having a shot at the NFL. Ever since law school, I've been at Piper Whatcom & Hardcastle."

"Is your family still in Seattle?" Carl asked. He had no idea how complicated a complete answer would be. I gave him the abbreviated version.

"Unfortunately not. My mom and little brother just moved to Spokane. My mom's getting remarried."

More accurately, my mom was getting married. Married, as in for the first time. Married, as in hooking up with a guy who wasn't the father of either of her sons - me or my adorable, almost-five-year-old half-brother, Jimmy. Married, as in community property, joint filings, and all that financially advantageous good stuff.

My mom had met a comfortable, balding, recently widowed owner of a trucking company at a bar called The Stumble Inn. Forty-eight hours later, they were engaged. I had been sure that the poor guy would come to his senses after he saw my mom in natural light, but it had been two weeks, and he still seemed crazy about her.

I had helped him pack up her stuff, and he hadn't turned even one of his remaining hairs at the sight of my mom's crystal balls, magic candles, and fully articulated small animal skeletons.

"Jack," he had said to me as we shoved the last box onto one of his trucks, "your mother is one hell of a woman."

"Bill," I had replied, "you don't even know how right you are."

"Jack?" Leah's voice nudged me. "Are you OK?"

"Yeah. I'm sorry," I said hastily. "Just a little tired."

"Thinking about your mommy?" Jerry teased.

"Yes," I confessed, and they all laughed. If they only knew, I thought.

I turned the conversation to safer topics. The World Series. The Seahawks. Bellingham's new museum, which was opening in the old city hall. All in all, it was a pleasant way to conclude three grueling days. I grabbed the check - client development - but yawned a little too obviously as we headed for the door.

"Are you sure you want to drive back to Seattle tonight?" Carl asked. "You've been putting in 18-hour days as it is. We'd be happy to pay for you to stay at the hotel tonight and drive back to Seattle in the morning."

"That's really nice of you," I said, stifling another yawn. "But I need to get home."

"Eager to see your girlfriend?" Jerry said, fluttering a lecherous eyebrow.

"Well, yes, actually, but my girlfriend's in Japan right now. Mostly, I'm eager to see my dog."

"Ah, a dog fancier," said Leah, who was partial to cats. "I guess we shouldn't even try to talk sense into you, then. Just drive safely, OK, Jack?"

"You got it," I said, shaking hands. I opened the door for all of them to leave, and continued to hold it for a bevy of chic, sixtyish ladies to waft into the restaurant.

One of them gave me a haughty, condescending smile of thanks, then blinked, gasped, and exclaimed, "Jack Hart! What in the world have you done to yourself?"

Through no fault of my own, I had been involved in a couple of high-profile murder cases. Every now and then, people recognized me from the newspaper or TV.

I had learned what to do. I stuck out my hand and said, "Yes, ma'am. But I don't think I've had the pleasure of meeting you before."

The lady in the doorway made no move to take my hand. She looked me over, from my straight, blond-brown hair to my bulging shoulders and big hands. She shook her head.

"No," she said, sounding flustered. "I'm terribly sorry. I thought you were someone else. Please excuse me." Then she pushed past me into the restaurant.

Carl gave me a quizzical smile as I joined them on the sidewalk. "An adoring fan, Jack?"

"Hardly. Mistaken identity, I'm afraid." I thanked them for their time, promised the summary judgment motion ASAP, gassed up the trusty old Buick, and headed out of Bellingham to I-5.

The interstate was dark, wet, and boring. If I had left right after the last deposition, I would have taken the scenic route down Chuckanut Drive, where even on late, rainy afternoons you could watch the sun slipping into Samish Bay and feel like you could touch it. But even though the unexpected dinner at *il fiasco* had consigned me to I-5, I was glad I had taken the time with Leah, Jerry, and Carl. I figured it could only help me in terms of client development.

A long, dark drive is such an isolating thing. I kept my mind on my dog, on the rush of warmth I always felt when I opened the door and Betsy leapt to greet me, barking madly and wriggling as if her joy at my arrival was just too big for her skin. I wanted to see my roommate, too. Mark Oden had shared my house near Green Lake for about six months, but we had first lived together as foster kids, almost twenty years earlier. He and Betsy always made it fun to come home.

I was so focused on getting back to Seattle that I didn't spare a single thought for American Fidelity, or the flustered lady in the dark restaurant, or the paper mill that had accidentally dumped processing chemicals into Bellingham Bay for the past twenty years.

I had no idea that I was about to lose American Fidelity as a client, that the flustered lady actually had a very good reason for recognizing me, and that the paper mill would soon become a lot more to me than your average, garden-variety environmental despoiler.

I had no idea that behind me, somewhere up I-5, that paper mill was on fire.