

Carol LaHines Failsafe

It was the night before trial. The Zyclone team had relocated to temporary office space in Newark, near the federal courthouse; an entire bloc of rooms had been reserved in the Marriott. As case manager, Clark had to ensure that the team was housed in relative comfort; that Theo was ensconced in a suite; that the female members of the team were segregated from Gordon, who, over the course of the trial (estimated to be of two months' duration) would try to seduce every one of them; he had to separate Gordon from Theo's secretary, who liked to flirt with Gordon but resented the fact that he had never tried to seduce her; he had to keep Gordon away from Amber, whom Gordon had seduced on a prior business trip, but had since abandoned.

Clark had to ensure that Gordon had enough sleep to function. Clark had to ensure that Gordon and Amber were never in the courtroom at the same time, particularly on the opening day of trial, when Gordon's family, viz. his wife and four children, would be sitting in the front row, watching as Gordon made the opening statement, offering an impassioned defense of Zyclone, a corporation unfairly accused of pillaging the environment, polluting the groundwater, contaminating the soil, and on the whole acting in a cavalier manner toward natural resources.

Clark had to ensure that everyone respected Theo's secretary; to impress upon the team of trial lawyers that she was an executive secretary, *Theo's secretary*, and could not be expected to do their typing or run their errands or heaven forbid, take care of their dry cleaning, lest she be impelled to file a complaint with the secretarial supervisor and subject them to further investigation by the

Sometimes I feel like
a stopped clock, except
one of us
is right twice a day.

*I think we've just seen
the antechamber*

to terror.
Mmmmm. Open wide.

human resources department, which no one wanted, particularly after what had happened in Elmira.

Clark's room was situated next to Amber's; if she needed to unburden herself, to call Gordon names, to fault him for being a bastard and a hypocritical jerk, she could just wander in, seeking comfort.

Gordon and Amber had seduced Lara during an earlier phase of the case. Gordon suggested that Lara join them after work at Fizz, an upscale champagne bar near the office. Amber sat next to Lara on the velvet banquette while Gordon plied her with several martinis from the designer martini menu (Lara's favorite being the "appletini").

Amber may or may not have loosened the zipper on Lara's suit; Gordon may or may not have made certain crude jokes about the propensities of alumnae of the Seven Sisters colleges; Gordon and Amber may or may not have mentioned going together to The Cellar, a sadomasochistic bunker in the Meatpacking district, the week prior. In any event, after three appletinis, Lara allowed Amber, tentatively, to unhook her bra.

Amber and Lara slipped into one of the bar's cavernous unisex bathrooms. Several minutes later, as if on cue, Gordon entered. Gordon encouraged Amber to kiss Lara and Lara to kiss Amber, taking advantage of his superior position vis-à-vis the two to orchestrate an orgiastic bacchanal. Once the line of patrons outside the bathroom had become long enough, the cries of *What the hell are you doing in there?* vociferous enough, the three were ejected from the facilities.

Clark happened to be at Fizz on the night in question. He had been summoned to the club by Gordon, directed to bring the latest version of Gordon's opening statement with him, informed (jokingly) that his job depended on it. He remained uncomfortably on the banquette while Gordon, Amber, and Lara carried on, oblivious to the other patrons, oblivious to urgent texts from Gordon's wife, who wondered when he would be arriving home. Following the misadventure, Clark arranged for Lara's transfer to the Los Angeles office.

Generally it was Clark's function, when not supervising vast amounts of document review, to ensure that no one passed out, or was too hung over to function, or had forgotten privileged and confidential attorney work product in the hotel lounge. He had to ensure that no one harassed another bar patron, or worse yet, the bartender, whom he might have to appease with a cash payout or a lucrative consulting contract as a "document manager," the title Clark had bestowed on many of Gordon's former one-night stands.

Clark's wife, on the whole, did not approve of his job. Clark's wife thought there were better ways to earn a living than serving as Gordon's lackey, appeasing his girlfriends, fixing his morning hangover remedies, and turning the pages in his binder (since Gordon generally improvised and frequently lost his place, it was Clark's job to know where he was heading, even if Gordon had forgotten himself).

Clark's wife was four months pregnant with twins. Clark's wife complained of nausea and unrelenting heartburn, of swollen ankles and constipation so severe she had to be disimpacted by the obstetrician during office visits.

Clark's wife accused him of being infatuated with Gordon, of being secretly in love with him, at the very least of wanting to *be* him, giving opening statements, fornicating with subordinates in hotel suites, plying them with martinis and gin-soaked olives, but Clark of course denied all of the above. Clark denied being aroused by proximity to Gordon, denied experiencing a thrill being intimately involved in his contretemps, or in relocating his mistresses to opposite ends of the hotel, or in listening intently as they recounted ill-fated threesomes in cavernous unisex bathrooms.

Clark's room contained twenty-five boxes of trial exhibits, all in order and ready to go, unless, of course, Gordon changed the order of witnesses at the last minute, or chose to revise the scripted Q&As. Gordon relied on Clark's knowledge of the case and his familiarity with the eighty million pages of documents produced during the course of discovery to retrieve the right document at the right time, making it seem effortless.

In the event Gordon changed the order of witnesses or the scope of their testimony, in the event he changed strategy at the last minute—for example, eliminating discussion of area 55 from their testimony, or omitting mention of the fish kills, believing that prophylactically bringing the issue up in order to defuse the argument that chemicals were poisoning aquatic life in the creek was not, after all, the better strategy—he could rely on Clark to effectuate the last-minute change. Given opposing counsel's failure to unearth certain damning evidence during the

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course of discovery, there remained a distinct possibility that they still didn't know what, exactly, had transpired in area 55, other than some indecipherable gobbledygook about volatile organic chemicals.

The paralegal staff, composed of out-of-work college graduates in obscure liberal arts disciplines, out-of-work actors working off-off-off Broadway, middle-aged misfits, and relatively high-functioning autistics, was not on the whole reliable, and could not generally be counted on to perform high-level tasks that required attention to detail (save for Stanley, who enjoyed collating to an unhealthy degree).

Thus, Clark found himself page-checking exhibits, revising Q&As, reordering witness binders, making multiple copies of the Phase II Feasibility Study. He saw to it that every last publication of the groundwater modeling expert for the adversary had been gone over, scoured for anything that might undermine the conclusions the expert had reached in his report, i.e., the contaminants in the plume were progressing at a rapid rate and were expected to reach the reservoir in less than five years.

Clark was the only one who could be unfailingly relied on to ensure that everything was running smoothly, that everyone was getting along, that Theo's secretary would not misperceive a comment or a gesture as a slight, that Amber would be successfully rerouted to the document warehouse the following day, supposedly on a last-minute urgent errand, so as not to run across Gordon's wife and children in the courtroom.

He found himself alone, in room 405 of the Marriott, watching pornography on the hotel's adult channel, sanitized porn for the business away from home, no orifices or penetration, just exaggerated *oohs* and *ahhs* and a lot of breasts.

Clark's wife, now that she was pregnant, had DDs, possibly Es or Fs, if such sizes even existed. Gordon warned him that once she delivered, she would revert to a B cup, even an A, breastfeeding known to pummel breasts, to cause them to shrink down, empty shells of their former selves.

It was the night before trial and Clark could not sleep, could not stop worrying about the opening statement, fretting about the order of witnesses, wondering whether Stanley could handle the rapid-fire pace of the courtroom, whether Theo's secretary would go on strike in the middle of trial, or electronically lock people out of their hotel rooms, incensed that she was not being "respected," whether Amber would show up, unexpectedly, after she had completed the assigned make-work.

He worried whether, when Gordon said *superior treatment facilities*, Stanley would know to bring up PX-15, the schematic of the wastewater treatment plant;

whether, when Gordon said *unparalleled commitment to the environment*, Stanley would know to bring up PX-80, the photo of a deer frolicking over the artfully camouflaged resodded sludge drying beds, or whether he would inadvertently bring up DX-49, the picture of sludge oozing out of hundreds of 55-gallon drums languishing out back, waiting for pickup and disposal by an unlicensed contractor known as the "midnight dumper."

He wondered whether the jury would be persuaded by evidence, carefully culled, highly selective evidence, that Zylcone was a good corporate citizen, that Zyclone reasonably believed phosphorescent sludge was inert, that wastewater discharged into the creek would be rendered harmless by process of dilution; certainly, if they saw PX-5, the commendation from the Swiss chamber of commerce, they would be so persuaded.

It was the night before trial and Clark could not sleep, found himself staring at the soft-porn channel with the sound off, wishing desperately for something to happen on the screen, other than caresses and some suggestive cut-aways.

Clark and Gordon had been on the case for ten years now. They had a camaraderie based on drinking and drunken escapades, an intimacy that arose from being together for hours, daily, combing through files in an old document trailer, from consorting nightly together at the bar at the Motel 6, from (on occasion) having sex with the same woman. When Gordon inevitably discarded said woman, fearful of his wife or other mistresses finding out, Clark, loyal Clark, would be there to comfort the jettisoned lover, to listen as she cursed Gordon; hopefully, to fondle her, the lover thinking Gordon would care if she slept with his friend, which of course he wouldn't.

Gordon liked to say that Clark was his right-hand man, his guy Friday, the one he relied on to reorder binders at a moment's notice, to prepare witnesses for cross-examination, the one who could be counted on to keep his wife and his mistresses apart and to be on the lookout, after hours in the hotel bar, for any new prospects, prospects Gordon would seduce and inevitably disappoint, leaving them vulnerable, angry, determined to prove their worth and desirability, and what better way to do so than to seduce his best friend? Clark had been there when Gordon wooed and dumped Jessica, the summer associate; he had been there when Gordon spurned Karen, the bartender at the Motel 6 (later offering her recompense in the form of a lucrative consulting package and incidental benefits); he had been there when Gordon and Amber seduced Lara, an experience Gordon and Amber wanted to share, or Amber wanted to partake in after Gordon had

convinced her that she had latent lesbian tendencies, viz. she had gone to one of the Seven Sisters colleges. Following the interlude, Gordon attempted to establish a direct relationship with Lara, apparently violating the tacit understanding he had with Amber. She had forgiven Gordon's first and second transgressions but after the third she ordered him to spurn Lara, preferably to arrange for her transfer, even though Amber had, by her own admission, enjoyed the ménage-à-trois in the cavernous unisex bathroom.

When Lara threatened to go to human resources, when she unburdened herself during long, rambling, obsessive voicemails (voicemails Clark expunged, with the assistance of Bob Wang in information technology), describing how she felt used, dirty, sexually confused, it was Clark who came to the rescue. It was Clark who called Lara daily, to ensure that she was all right, that she had not rashly filed any complaints with human resources or God forbid the EEOC, that she had not confided the misadventure to any of the other second-years, who could not be trusted with the information, whose jealousies would be aroused by the intimacies Lara had enjoyed, albeit fleetingly, with one of the partners. It was Clark who listened for hours daily as Lara unburdened herself, confiding feelings of shame, embarrassment, stupidity, believing that Amber was her friend, not a sexual predator interested in using her as a pawn in sexual hi-jinx; it was Clark who convinced Lara it was better to go to Equinox, to take out her aggressions on the punching bag, rather than to call Gordon's wife, whom Clark insinuated was a delicate woman with a chronic, incurable condition, maybe lupus, maybe MS, but in any event someone with enough to contend with. In order to divert attention from Gordon and Amber, to downplay their proclivities to seduce hapless young female associates in cavernous unisex bathrooms, Clark pretended that he was involved with Lara, hanging out with her after hours, buying her appletinis at Fizz, going home late and incurring the wrath of his wife (who was pumped full of hormones from fertility treatments), who was none too happy with him or with Gordon or with whatever unseemly affiliation the two had developed after long hours of sweating together in a document trailer.

It was Clark who convinced Lara, finally, to accept a transfer to the Los Angeles office, who convinced her that opportunity was to be found on the West Coast, the heart of the entertainment-law industry. It was Clark who bought the one-way ticket; Clark who threw the departure party, omitting Gordon and Amber from the guest list, not wanting any last-minute unresolved emotions to flare. It was Clark who drove her to the airport and deposited her on the plane and breathed a sigh of relief; even though it was not Clark who had seduced Lara in a cavernous

unisex bathroom, convincing her she had latent bisexual tendencies; even though it was not Clark who fondled Lara while mouthing *I love you* to Amber; even though it was not Clark who inadvisably suggested that the three reprise their ménage in a suite at the Mandarin Oriental. It was Clark who had saved the team from imploding, who had fended off an investigation by HR; Clark who had expunged all e-mail communication between and/or among Gordon, Amber, and Lara, copying onto Lara's hard drive certain love poetry that could only be characterized as the product of a troubled, unstable individual, even of a saboteur, intent on destroying the Zyclone team with fabricated stories of inappropriate relationships with members of the firm and ménages in bathroom stalls. It was Clark who had alienated his own wife, and Clark who had suffered the repercussions at home, Clark who had been exiled to the spare bedroom, to ponder his transgressions while his pregnant wife groaned and complained of a strangulated colon.

Clark had to consider that maybe, indeed, he did love Gordon; that whatever affection he felt toward him was not the mere byproduct of drunken fealty, or of having sex with the same woman (sometimes in the course of the same night), or of admiration for an intelligence who could remember the schematics for all five iterations of the waste-treatment plant or the characteristics of the gneissic rock in the Cohansey formation; that whatever he felt for him was not the result of vicarious thrill, of a perverse transference/countertransference from all of the spurned former mistresses/lovers/transient objects of affection in Gordon's life, but a true feeling, if his arousal level on the date of their ill-fated threesome had been any indication; at one point, during the sordid interlude, the woman wondered whether she ought to just leave, since she seemed only incidental, an excuse for Gordon and Clark to "get it on," a comment both pretended not to hear.

Gordon performed superbly under pressure; indeed, he thrived under pressure, exhilarated by what others would find to be nerve-wracking, crushing eventualities: the possibility of his mistress happening upon his wife; the possibility that his wife, working on information received from any number of sources, untraceable hang-ups, anonymous tips, calls from ostensibly concerned parties, might uncover his latest tryst; the possibility that Linda, the bartender at the Marriott, might report him to the hotel supervisor for unseemly behavior; the possibility that human resources, still puzzling over what, exactly, had precipitated Lara's sudden transfer to the Los Angeles office—what would normally be construed as suicidal, career-wrecking behavior—would reopen its investigation.

Gordon was likely at the bar, throwing back Tanqueray-and-tonics, making notes for his opening statement on a cocktail napkin. Or he was ensconced in his suite on the ninth floor, emptying out the mini-bar, lounging around in a loosely knotted bathrobe, entertaining Misty, a temporary legal assistant, who under Title VII, was arguably not an “employee” and therefore outside the purview of actionable complaint, or, God forbid, rekindling his ill-advised relationship with Amber, making it all the more difficult for Clark to convince her, the next morning, to drive all the way to the document warehouse in Ocean Township.

And all the while Clark fretted, and worried, and reordered witness exhibits, trying to anticipate every possible contingency, every convoluted turn Gordon, brilliant but hopelessly disorganized (incapable even of locating what had been flagged with a tape flag, or highlighted in medium yellow marker, oblivious to the obvious yet able to understand the complexities of state-of-the-art groundwater modeling, or the flaws in research allegedly establishing a statistically significant increase in acute lymphocytic leukemia among the five- to ten-year-old cohort), might take them, the following morning.

For while he spent most of his waking hours with Gordon, and sat next to him at the counsel table providing critical document support; for while the bulk of Clark’s sexual partners were comprised of Gordon’s former lovers and mistresses and cast-offs; for while he endeavored to see through Gordon’s eyes, and to interpret the evidence, the carefully culled evidence, through Gordon’s inimitable intelligence, he was most emphatically *not* Gordon, and he would never be Gordon, lacking, among other things, a law degree, or an office that was more than a document trailer or a windowless cubicle on the twenty-ninth floor or a room in the Marriott.

He turned the porn channel off. *Can I have an outside line?* he asked the hotel operator.

EXCERPT

Carlos Labbé Navidad & Matanza

Translated from Spanish by Will Vanderhyden

All of this reminds me of the case of Navidad and Matanza, in the summer of 1999. At the time I was writing for a journal whose proprietor was a notorious business executive, and because of this we were tacitly forbidden to write about the most popular topic in the office: disappeared detainees. This was, of course, during Pinochet’s judicial hearing in London. But even more important was the fact that, at the beginning of the year, Judge Guzman had identified the body of our secretary’s father in an excavation in the Atacama Desert. Suddenly what had been a really worn-out subject took on an archaic and distant force that came to completely disrupt our work environment. And so I’m not sure if it was out of blind solidarity, or a desire to get out of the office, but during those two months we journalists felt oddly compelled to investigate, anywhere we could, news of abductions, disappearances, or reports of missing persons in the province. I began looking into the case of a brother and sister who disappeared in Navidad.

Navidad, a small town in Region VI, is the gateway to that obscure stretch of coastline between Santo Domingo and Pichilemu. A couple miles farther along is its twin village, the no less bucolic beach town, Matanza. The area enjoyed several months of touristic splendor when the secret VIP club of a famed international resort temporarily occupied the beach during the last summer of the past millennium. There are about ten thousand members in this club who, every five years via unknown channels, receive conceptual instructions and coordinates of latitude and longitude announcing the unfolding of a unique, unprecedented event. That year, the members received at their doors a young Australian man who handed them an