

If You Are What You Eat...BEWARE! A Legal Thriller About
Genetic Pollution.

Skinny Berry



Terry Olson

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Dedication Page

For Barb and Tom
the architects of my life

And for Bud
whose stories cultivated the fields of my imagination

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Chapter One



Tom Hughes usually took the long way when he went to Perkins, Michigan. He liked to drive the back roads into his hometown. It was like a self-guided tour of his lost youth. But when Ike Stiles had called to invite Tom to a late dinner, there had been an unmistakable urgency in the old man's voice. Thinking of Ike's tone, Tom turned onto the expressway.

Finding the Stiles' farm was easy enough. Several barns that dotted the landscape along US-27 had been turned into pastoral advertisements. White paint on the sides of the red barns heralded a tantalizing countdown and a promise of the glorious products that might be purchased. First there was:

Only 6 miles to
The Stiles' Family Berry Farm
U-Pick Berries All Season
Blackberries * Blueberries
Raspberries

And a mile on:

Only 5 miles to
The Stiles' Family Berry Farm
Fresh Produce All Season
Exit Right on US-10
Don't Miss the U-Pick Pumpkin Patch

And so on. It was hokey, but Tom knew how effective it was from his own days working on the farm. Hundreds of tourists detoured off busy vacation schedules to pick sweet, swollen fruit on perfect summer days. It made Ike Stiles one of the most prosperous farmers in Wabeno County.

Tom's mind wandered as he exited west on US-10, the car driving itself. His higher brain function was preoccupied by memories that felt like leaves pressed in wax paper. He remembered driving this same highway with Claire the first time he brought her home. It was Thanksgiving and they drove up from Lansing. They were in love. And having no family of his own, he needed to introduce her to Ike and Kaye Stiles.

He took the Perkins exit and drove slowly south through the one-stoplight town he called home. He remembered Claire, a worldly denizen of suburban Detroit, telling him how cute Perkins was on that first shared homecoming. And he remembered deliberately not telling her how boring a place it actually was, not wanting to spoil her illusion of idyllic small-town life.

The memory of Claire was a painful ghost now. She had died in March, effectively ending all that was good in the world. Every trip now, be it a simple walk to the grocery store, or a homecoming, was a living reminder of two worlds. The first, a world of relative perfection where Claire still lived in his memory. And the second, a cold and hollow world where Claire had ceased to exist.

Three miles south on Perkins Road, Tom came to his childhood home. It was a small A-frame house, wooden shingles painted brown, as they had been for all the decades of Tom's life. He had left for college when he was eighteen, with his mother selling the house and moving to sunny Phoenix that same year. But the rural neighborhood was still home to Tom, thanks to Ike and Kaye

Stiles.

Next to the A-frame where he grew up was Ike's farmhouse. It was a two-story white home with a wrap-around porch. On it he could see Ike rising from his chair to greet him. Behind the farmhouse was a red barn, its wall serving as the final billboard:

You have arrived at
The Stiles' Family Berry Farm
Welcome!

"How the hell are you, young man?" Ike said, coming down the porch to meet Tom in the driveway. Ike was seventy-six, but his step was still lively, and his voice did not betray his age.

"Not bad, old-timer," Tom lied. He could not bring his eyes level with Ike's. He had never felt worse in his life. Claire's absence was a crushing pain that would never let him breathe again. "Not bad."

"Come here." He pulled Tom close and thumped a heavy farmer's hand on Tom's back. "I am so sorry. But you're gonna get through this. There's always light at the end of the tunnel."

"I know," Tom lied again. "How are you and Kaye?"

"We're still going," Ike said. "And at this age, that's all you can ask, I think. Come on and have some dinner."

Ike led him up gray stairs and offered him a cedar deck chair on the porch.

"I got you a cold one all lined up," Ike said, handing Tom a bottle of Stroh's.

Tom was grateful. A case of Ike's favorite beer might take him to a place where he could forget. "So what's up?" Tom said. "You sounded kinda worried on the phone."

"Well, it's probably nothing much. We'll take a look after supper. Closer to sundown. You'll get a look with your own eyes."

Tom took another drink. There was no rushing Ike. He talked in his own rhythm. It was soothing and slow. He was a man raised before twenty-four-hour cable television and high speed Internet access. His mode of conversation was an art form. It was like hearing the old farmer in *American Gothic* speak.

“Tom! Come here, you,” Kaye Stiles said, hipping her way out the screen door, a TV tray under each arm. She handed the trays to Ike and gave Tom a long hug. “It’s good to see you.”

“You, too,” Tom said.

“I hope you brought your appetite,” Kaye said. “You’re looking a little on the scrawny side.”

“Just trying to watch what I eat.” He patted his stomach. This was another white lie. He had lost twenty pounds since Claire died. On a good day, his diet consisted mostly of beer. On a bad day, mostly bourbon. And while his pot belly had not melted completely away, Tom could see himself growing gaunt when he looked in the bathroom mirror.

“I’ll get a couple of pounds back on you right tonight.” Kaye laughed, then turned back for the house as Ike set up the TV trays.

Kaye did all she could to fulfill her promise. She brought them plates of fried chicken, mashed potatoes, homemade pickles, and slices of cantaloupe.

“Come on and sit down, Kaye,” Tom said.

“No,” Kaye said, patting her trim waistline and smiling. “I’m still watching my girlish figure.” She went back into the house, returning periodically to ensure Tom was eating at a healthy pace.

Ike and Tom finished a six-pack between them before a dessert of fresh strawberry shortcake with whipped cream. What room the men had in their mouths for conversation was filled with talk of the cool spring, the lack of rain, and the entirely average record of the Detroit Tigers. There was a deafening failure to mention Claire, though Tom thought of her with every change in topic. As they polished off dessert, the shadows of the summer evening fully engulfed the porch, and the sun fell low in the western sky.

“Come on, let’s have a walk,” Ike said. He drained his beer and rose from his chair. Tom followed as Ike walked him back to the barn. An office and tool room was tucked just inside the barn door. Ike walked to an ancient refrigerator in the back corner and opened it. “Another one?”

Tom nodded and Ike cracked two beers. Then the men headed out of the barn and into the fast growing paradise of fresh produce,

berry fields, and orchards.

“See that cornfield there?” Ike said, pointing south through his own cherry orchard, across County-Line Road.

“Yeah,” Tom said. “That’s Behmlander’s old place, right?”

“Yep. He died back—when was it—’95, maybe?”

“So who’s running it now? Did he have kids?”

“None that stayed. Michigan A&T bought the whole damn thing up. The North Central Research Center, they call it now.”

“No kidding,” Tom said.

“You know anything about genetic engineering?” Ike asked.

Tom paused for a moment, his mind trying to keep pace with Ike’s rapidly evolving topic. “No, not much. You mean like the sheep cloning thing in England?”

“Hold up a second,” Ike said, stopping by a cherry tree and nestling his beer bottle on a low branch. He fished an aqua package of Bugler Tobacco and a rolling paper from the enormous front pocket of his overalls. He tapped a small amount of the tobacco into the paper, expertly rolled a cigarette, then licked the paper to form a seal.

Tom had seen the ritual a million times. It still amazed him that Ike was breathing with no difficulty into his seventies.

“That sheep,” Ike said, as he drew a breath and lit the cigarette with a match. “I guess that’s genetic engineering, too. But I’m talking about plants. Man-made plants that are resistant to herbicides and pests.”

“Yeah,” Tom said. “I’ve heard of them. I guess they can do those things in a lab nowadays.”

“Do ‘em in a lab, for cris’sakes. They’ve been growing ‘em in fields for the last ten years. You eat ‘em at damn near every meal.”

Tom shook his head, unsure of Ike’s point. They walked on down a worn tractor trail that ran between Ike’s orchard and the acres of berries that made up the rear of the farm. The sun had reddened and touched the tops of the fir trees that lined the west end of the berry patch, casting long shadows across the land.

“They call ‘em Frankenfoods over in Europe,” Ike continued, as they approached a drainage ditch that ran along County-Line Road on the southern end of his farm. “American farmers are

having a helluva time selling their crops there.”

“No kidding,” Tom said. “I had no idea.”

“Yes, sir.” Ike took the cigarette from his mouth, coughed deeply, then spat on the ground. “Something like eighty percent of the soybeans you eat and thirty-five percent of the corn. It’s all unnatural. Genes spliced in from bacteria and all kind of crap.”

“No way,” Tom said. He doubted Ike’s education on the latest technology. “That would have to be on the label, wouldn’t it?”

“No, sir,” Ike said, and spat again. “Hell, some of those starvin’ countries in Africa won’t even accept our aid shipments.”

“That’s crazy,” Tom said. “They’d rather starve?”

“Look there.” Ike’s massive hand again pointed across the road to the neighboring farm. It lay before them in the dying sunlight. Rows of brambles lined the western edge of the field, which sloped down toward an uncleared lot.

Tom followed Ike’s direction and saw four deer walking cautiously out of the woods. They made their way through the brambles and into the cornfield that sat on the eastern half of the farm. “You wanted me to come out to see the deer?” He smiled. “You know—”

“Hush up and watch, boy,” Ike said without venom.

The deer stopped and nibbled at the corn plants on the edge of the field. Then they moved comfortably into the corn rows as if they had paid for the all-you-can-eat buffet. The corn was still low enough so that Tom had no difficulty watching their progress. Several rows in, a buck paused as if he sensed the men watching. He changed direction and started marching up one straight row of corn, pausing to nibble along the way. His harem followed suit, and the deer formed a single-file chow line.

“That’s the edge of the buffer there,” Ike said. “They plant real corn as a buffer on some of these crops. The genetically modified stuff is in the middle. Them deer won’t touch it.”

“You think the deer know about the crops?” Tom laughed so deep and rich that the deer looked up startled.

“I know they do,” Ike said. “I watch ‘em almost every night. The same thing.”

Tom looked again at the deer. There did seem to be an imaginary barrier beyond which they would not graze.

“We’ve been organic here since ‘99,” Ike continued. “Helps with the yuppies on their way up north. Some of ‘em won’t eat non-organic, y’know.”

“So if it’s organic, it’s not genetically modified?”

“That’s right,” Ike said. “We have to be certified. No synthetic pesticides, herbicides, or genetically modified crops.”

“Man,” Tom laughed again, “farming sure has gotten complicated since I moved on.” He followed Ike into the berry patch, the old farmer cutting a path between two rows of blackberry brambles. Several yards into the patch, Ike walked over to the row bordering the southern edge of his farm.

“Look at this,” Ike said, grabbing a stem from the bramble, his leathery hands impervious to the soft thorns. “Look there. See them berries. Looks good, huh?”

“Yeah.” Though the berries were still burgundy, their form was perfect. A berry ripened on each stem.

Ike walked a few rows nearer to the center of the blackberry field. “Now look here,” he said, pulling another stem toward Tom.

“Not bad,” Tom said. Some of the berries had been eaten away, but the plant looked healthy to him.

“But it’s not perfect,” Ike said. “Right?”

“Well, some birds got at a few, I see.”

“That’s right. Perfectly natural. Birds always get at a few. That’s how the plants spread their seed. Get eaten up and crapped out all over God’s creation.”

“So what’s the problem?”

“Problem is that the birds aren’t getting at those rows on the southern edge. I’ve been watching. Birds won’t touch ‘em.”

Tom looked at Ike. The farmer’s voice had grown agitated.

“It’s not just the blackberries,” he said defensively. “It’s the corn, too. Those same deer make their way over here after nightfall. And there are parts of my field they won’t eat from. It’s not a straight line. But mostly on the southern edge.”

Tom looked back at the deer, still grazing single-file along the same imaginary line in the old Behmlander cornfield. The hair raised on the back of his neck, closely followed by an involuntary shiver. “So what are you saying?” he asked, trying to sound

confidently dismissive. “You’re saying these animals won’t eat genetically altered crops?”

“They’re smarter than people like that, Tom,” Ike said. “They know the wheat from the chaff.”

“And you’re saying that those crops over there somehow migrated across the road into your fields?”

“I’ve heard of it before,” Ike said.

“So what are you going to do about it?” Tom said. “Isn’t this something for the Department of Agriculture or someone?”

“I doubt they’d much care,” Ike said. “They approve these genetically modified crops as fast as they’re made.”

“You’re not thinking about some legal action?”

“It’s crossed my mind,” Ike said.

“So you’re looking for a lawyer?” Tom said.

“I’m not looking for any old lawyer.” Ike laughed now, loud and resonant. “I’m looking for the best damn lawyer to ever come out of Perkins, boy.”

Tom tried to smile. “That’s a very nice compliment. But it’s not saying much.”

“It says it all for me,” Ike said. He spat again, an exclamation point.

“Well, even if you could prove all that you say, I’m not sure you’d have much of a case,” Tom said. “What are you going to say about damages, ‘Ladies and gentlemen of the jury, these people made my client’s berries resistant to all forms of pests. Increased his yields and his profits.’ A jury’s not gonna give you a million dollars for that, Ike.”

“If my crops are genetically modified, I could lose my organic certification,” Ike said. “And if the animals won’t eat this crap, it can’t be healthy. I’m going to have to keep the bad stuff away from the good. I don’t want somebody’s kid eating that stuff.”

The pair hiked back toward the farmhouse, serenaded by cricket song, as darkness settled on the farm.

“I’m really not taking new cases right now,” Tom said, his head down to avoid Ike’s eyes. “And a case like this is way out of my league.”

“Can’t you just look into it, Tom?” Ike said. “You’re the only lawyer I know. And this ain’t something I can do myself.”

“Well,” Tom sighed, “maybe I can make a few phone calls. Find you someone who could help.”

“Fair enough,” Ike said, plucking a leaf from a low branch.

Kaye turned the porch light on for them and waited with a basket of homemade jams, honey, and canned pickles. She gave it to Tom with a hug. Ike bid him farewell with a handshake and another thunderous clap on the back.

“Things will get better,” Ike said. “Just keep getting up in the morning. Keep breathing.”

“I know,” Tom lied. “I know.”

Taking the long way home, Tom remembered how much Claire had liked the Stiles’ Berry Farm. He glanced at the basket seated in Claire’s place and remembered how she loved Kaye’s blackberry preserves on fresh baked bread. Since he was a boy working in the brambles, the Stiles’ Berry Farm had been synonymous with delicious, wholesome food. But that image had been tainted by the thought that some of the crops on Ike’s farm were possibly high-tech creations. Driving through the darkness, Tom was reminded of Ike’s warning. “They’re smarter than people like that,” the old man had said. And Tom’s appetite for blackberry jam was lost.

Tom’s dry eyes did not crack open until well into the morning. When daylight finally coursed through his pupils to his throbbing brain, his first thought was of Claire. She was gone, and he would have to nurse his own hangover. Just get up out of bed, he told himself.

He willed his feet to the floor. His errant arm flailed and knocked a nearly empty bottle of Jim Beam off the nightstand. As he rose and trudged to the bathroom, his vision swayed. A hot shower, a glass of ice water, two Advil caplets, and a cup of coffee set him as right as he could be. He arrived at his office before lunch and considered it a small victory.

Tom rented the one-story brick office building in his second year of practice. It was a prime location for a small-town office—on the corner of two of the busiest streets in Milton—only a block and a half from the courthouse. He and Claire had settled into the office like a home. This would have been their nineteenth year, he thought, opening the locked front door. He had avoided the

office as much as possible because he could not enter it without remembering everything about her. Looking at her empty chair behind the reception desk made his eyes burn.

Tom's first job after law school was as an associate at an insurance defense firm in Lansing. Claire was the belle of the secretarial pool. She had long black hair that framed her porcelain face. She wore her classic beauty with the elegance of royalty, and balanced it off with intelligence and competence. Tom never understood how such a woman could have chosen to spend her life with someone as average as himself.

Intensely shy, Tom found that he could hardly speak to her when she was assigned as his secretary. But she put him at ease over time, in her understated way. When Claire began to show interest in him, their office flirtations began in earnest. Tom frequently wondered that if they had met in today's atmosphere, with its keen attention to sexual harassment lawsuits in the work place, whether he would have carried on as he did. They were engaged within six months and married within the year. And as soon as they had saved a enough of a stake, they set off to build a small law office all their own.

While the office flourished, more because of Claire's business sense than his own lawyering skill, there were no children in those first years. And when Doctor Brown confirmed that there would never be children, the young couple was bound closer together by an aching pain of loss.

They threw themselves into work. The little business became their child. And it grew healthy and strong, nurtured by their love. Fortune was good to them, in a way only a personal injury attorney can understand fortune. In their sixth year in Milton, there was the C-2 vertebrae fracture to the seventeen-year-old boy from Whitfield. A cement truck operated by an amphetamine freak veered across the center line causing a head-on collision. The boy had been unfortunate to survive the carnage. And Tom and Claire were fortunate to take a third of the seven-figure settlement. Fortune struck again in their tenth year of practice, when they made a cool million for simply referring a horrific roll-over SUV accident to Putnam, Putnam & Vale, a personal injury firm in Detroit.

The rest was nickel and dime. Simple auto negligence cases.

Slip and falls. Dog bites. Minor misfortunes that paid college tuition for all the children they never had. Along the way they bought their office building. Paid off their mortgage, student loans, and car payments. And had a large enough business account to run the office until their retirement. Daily they remembered they had each other and didn't need anything more. Life had been very good to them.

And then everything changed. It was a cold spring morning. A Sunday like any other. A comforter kept them warm in bed. Coffee and toast and *The New York Times* were shared between them. Tom heard her breath, suddenly raspy, and thought she had swallowed wrong.

Her asthma had been a mild annoyance in their life together. A barely noticeable companion. She kept an inhaler under the bathroom sink. He could count on two hands the number of times he had seen her use it in their nineteen years together. But that morning in March, the inhaler did not give her relief.

Claire's face, still beautiful at forty, contorted in agony. She turned blue as she fought to breathe, an image Tom would carry to his own grave. He spent the last minutes of her life strangely torn between two worlds. In one world he begged the 911 operator for help, as if by will he could make the ambulance arrive in time. In the other, he sat by her side, helpless as a child, while she slipped away. When her eyes rolled up into her head, Tom knew she would die. They had often joked together about the poor quality of health care in Wabeno County, but as she lay dying Tom kicked himself for not moving his beloved somewhere more civilized. A place where the ambulance would arrive in the nick of time. But in rural Michigan, Claire had simply died in his arms.

Closing the office door behind him, Tom locked the dead bolt. He did not turn on the lights. He could do Ike's bidding in the dark. He walked through the reception area, down the hall to his own office, resisting the urge to hurry. In the cabinet of his oak credenza he found a half-empty bottle of bourbon and a dusty glass. He poured a full glass and sat in his leather chair.

The bourbon burned going down, and the fumes cleared his sinuses. He did not feel better. He would never feel better. But the sting of the drink might let him get through a day of acting like

an attorney. He brushed files and dust out of his way, making a clearing on his desk. He grabbed a legal pad and jotted notes to himself:

Ike Stiles v. ???

Facts: Plaintiff believes genetically altered crops from neighboring farm have spread to his fields. Plaintiff is an organic farmer. Damages?

Issues of fact: Are his crops altered? How much \$\$ lost?

Issues of law: What cause? Products Liability?

It was definitely not the run-of-the-mill slip and fall case. He really had no idea how to approach it. His first call would have to be to a plaintiff's attorney who was well-versed in all manner of litigation. Tom thumbed through his Rolodex, then punched a Detroit number into his cell phone.

"Putnam, Putnam & Vale," the cheerful female voice of a professional screener answered. "How may I direct your call?"

Tom identified himself, and Franklin Putnam was on the line in two minutes.

"How are you, Frank?" Tom said, pleased that his own schmoozing lawyer voice came back to him so quickly.

"Great. Great," Franklin said. "You hanging in there?"

"I'm doing okay," Tom lied.

"Great," Franklin said. "A few of those cases you sent over have already settled. You should be seeing some referral fees real soon."

Putnam, Putnam & Vale had taken over almost all of Tom's caseload after Claire's death. Franklin Putnam was the chairman of the Bar Association's Trial Lawyer section, and was among the most respected plaintiff's lawyers in the state. Tom knew he was placing his clients in good hands.

"I know you'll do those folks right," Tom said. "You have a couple of minutes, Frank? I have a new case, and I'm not really sure what to do with it."

"Sure," Franklin said. "Shoot."

"This is a good friend. An old farmer. He runs an organic berry farm up here. A place I used to work at when I was a kid.

Anyway, there is a university research station across the road that is supposedly growing genetically altered plants. And the old guy is convinced that it is affecting his crops. He wants to sue. You ever handle anything like that?"

"We wouldn't handle it," Franklin said, and Tom knew that his lack of hesitation was a bad sign for Ike's case. "Can't make money on a case like that. Not on contingency. I know the Canadian Supreme Court just had a ruling on a similar case earlier this year. In favor of the corporations. The biotech companies fight these things tooth and nail. Definitely a money trap."

"Well, the old guy has some money. Could he find someone to help him on retainer?" Tom asked.

"No one any good," Franklin said. "Best he could do is find a young lawyer who would take it and end up costing him a lot of money for nothing. I'm sorry. I'd love to help. But a case like that is a dog."

"No," Tom said, "don't apologize. I was only looking into it for him."

A few more calls confirmed everything Franklin had said. No credible lawyer was going to help Ike in this situation. The best the old man could do was throw good money at a bad lawyer for no result. For most clients, this would have ended Tom's inquiry. But Ike wasn't most clients, and Tom knew he would have to roll up his sleeves and find some answers. He poured himself another shot of bourbon and took his notes with him to the Milton Diner for a quick lunch.

The bowl of potato soup did not sit well on top of the bourbon. Another drink when he returned to the office settled his stomach, but caused an insatiable need to nap. Tom barely made it to the couch in the reception area before he collapsed. His own snoring woke him sometime later. He could tell it was late afternoon by the brown hue of daylight that permeated the office. He checked his watch. Four-thirty, and there was still work to be done.

He shuffled back to his desk and glanced at the bottle of bourbon. There would be time for another drink later. It could even be social. Tom returned to his legal pad and refreshed his memory.

Franklin Putnam had an encyclopedic knowledge of most areas of tort litigation within the state, and he was never at a loss to deliver a quick lecture to anyone who was willing to listen. Franklin's failure to rattle off a condensed legal treatise on the law governing Ike's case led Tom to believe that the legal issues would be mostly novel ones. That meant research. And probably a lot of it.

The office's conference room was lined with all the law any local lawyer would likely need. It had the cases, statutes, practice manuals, and treatises that governed most issues of general practice. For anything not covered in the books, Tom had full access to the WestLaw database from his desktop computer. But Tom could barely operate the computer and he hated research. His forte was being able to talk a good game in the courtroom, without much regard for the written law. He was persuasive, if not precise. And when it came to research, he usually paid a younger lawyer to handle it.

He pawed through his Rolodex again and punched a number into his cell phone.

"Law Office of Nell Yeates," a familiar voice answered.

"What are you doing answering your own phones?" Tom laughed.

"Not everyone's as lucky as you, Tom," Nell said. "Some of us have to pay for office help."

Nell had done an internship in his office five years earlier, before moving on to practice in Alpena. She was a competent young lawyer, and Tom had used her for research ever since. Nell obviously hadn't heard about Claire, and Tom was in no mood for gracious condolences.

"Hey, I have a job for you that might pay a few bills," Tom changed the subject.

"It's about time," she said. "I was beginning to think you'd closed up shop."

"Well, I'm cutting back a lot," Tom said. "But I've got an issue here you can sink some good billable hours into."

"Sounds great," she said.

Tom outlined his problem in broad strokes, and Nell promised a research memorandum for him as soon as she could turn it

around. Tom would cover the cost out of pocket. No sense in making Ike foot the bill just yet.

With Nell working on the legal issues, he needed an expert to help him understand the facts of the case, and there was still time in the day to find one. Tom turned to a separate Rolodex on the credenza that contained hundreds of doctors and academics arranged by area of expertise. After flipping idly through the catalogue of human knowledge, Tom realized he didn't even know what kind of an expert Ike's case would require. Tom's practice had always focused on making a dollar. He cared about his clients, but he was not a cause man. He had never litigated an environmental issue in his life. He leaned back in his chair and searched his mind. Did he know anyone who was even into environmental causes?

There was Charlie Sage, the local prosecutor. While he was no environmentalist, he was dating that activist professor who had caused all the trouble for the Blue-Mart development. It was a start. He dialed the prosecutor's office and caught Charlie before he left for the day.

"Tommy," Charlie said. "Glad you called. I've been meaning to get a hold of you."

"Good," Tom said. "Let's have a beer and catch up."

Charlie was silent too long. "I'm not sure that's such a good idea, Tommy," he said finally.

"What are you, my mother?" Tom said, irritated.

"C'mon, Tommy. How about I buy you dinner instead?"

"I'm drinking my dinner tonight, Captain," Tom said. "Just like the old days. Five-thirty at O'Hara's. Don't be late or I might start without you."

Tom was confident Charlie would show. He leaned back in his chair and listened to the numbing silence of his office. He'd gotten off to a reasonable start on the case. It was only a couple hours working the phones, but it felt good to be doing something. But now the silence, and Claire's absence, were overwhelming. He locked the office hurriedly and walked down the block to O'Hara's. It was five-fifteen, and though Charlie was not late, Tom did start drinking without him.

Tom was working on a second beer when Charlie Sage plopped down on the bar stool next to him. There were only a handful of lawyers in Milton, and Tom was not particularly close to any of them. But Charlie was by far Tom's closest colleague. Charlie had been the town's public defender for years but had been elected prosecutor the previous fall when the outgoing prosecutor seriously overreached on a case and charged Charlie's young associate with aiding a "terrorist group." When the "terrorist group" turned out to be a bunch of peaceful activists, the old prosecutor found himself in a political nightmare. The case against Charlie's associate was without legal merit and was quickly dismissed, but it had riled up the local electorate enough to oust the prosecutor and install a bunch of Green Party candidates on the county board. Charlie got swept into the prosecutor's office as a reform candidate.

"Old Milwaukee for my friend," Tom said to the bartender.

"You started without me," Charlie said, feigning disappointment.

"You'll catch up."

They drank and chatted about nothing for a time, avoiding talk of Claire or Tom's drinking.

"You still seeing that professor from Central?" Tom asked at the first lull in their conversation. "The leader of that activist group."

"Wilma Quinn. Yeah," Charlie said, finishing off a beer. "It's pretty informal. She's cool."

"I saw her down at the courthouse a few times last year. At those rallies she was leading. She was pretty gung ho?"

"Oh yeah," Charlie said. "Passionate, I would call it."

"Big into the environmental causes, huh?"

"Ph.D. in social ecology," Charlie said. "That covers a lot of ground. She wants to save the world from everything. And pretty well knows how to do it, too."

"I got a new case where I might need some expertise like that," Tom said, hailing the bartender for two more beers and tossing a twenty on the counter.

"You're taking new cases?" Charlie said, honest surprise in his voice.

"Well, I haven't taken it yet. I'm just investigating it. You

know the Stiles' Berry Farm?"

"Sure," Charlie said. "Wilma likes to stop at that place."

"Stiles has got an environmental issue with one of his neighbors, and I'm having a hard time finding an expert."

"You grew up around there, didn't you?"

"Right next door," Tom said, taking a long drink from a fresh beer.

"So what's the issue?"

"I guess the neighbors have some genetically modified crops or something, and they're spreading onto Stiles' land somehow," Tom said.

"Oh yeah. Wilma's always talking about that stuff. She hates bio-engineering," Charlie said. "She shops at that farm because it's organic. Isn't it?"

"Yeah," Tom said. "He's been organic for almost six years now."

"Oh, I'm sure she'll know something about it," Charlie said. "Or at least get you in touch with someone who does."

"Cool," Tom said, raising his bottle in a toast to his friend. "Here's to a million-dollar settlement, and a big old expert witness fee."

Tom tried to order shots, but Charlie vetoed the plan. He was obviously uncomfortable with Tom's drinking. Tom could feel the judgment. He knew he had a lecture coming from a fellow member of the bar. Charlie hemmed and hawed. He complained about the prosecutor's office he had inherited, and they talked about old courtroom battles, before Charlie finally came to his point.

"You know, Tommy..." Charlie said, and hesitated, obviously trying to choose kind words. "There's rumors flying around the courthouse. People are talking."

"I don't give a goddamn," Tom said matter-of-factly.

"I was in Parr's chambers the other day, and he was asking about you," Charlie went on. "People are worried."

"Nothing to worry about," Tom said, taking a self-conscious drink from his beer and accidentally splashing some on his chin and neck.

Charlie didn't let it go. "We all know how much you're hurting. It's natural. But, I don't know, maybe you should find

someone to talk to about coping with this?”

The words stung Tom’s pride. He knew Charlie well enough to know that the words carried good intentions. But he didn’t want to admit that nothing in the world would ever be right again. He didn’t want to talk about her, or his loss.

“C’mon,” Tom said, trying his best laugh. “You and me have been getting drunk at this bar for what? Almost twenty years now. I’m not gonna stop that because she’s gone. It’s one of the only things I’ve got left.”

“I didn’t say to stop—”

“Yeah, I’m still sad,” Tom cut him off. “Yeah, I don’t want to get out of bed some days. But that’s natural, ain’t it?”

“Yes,” Charlie said. “Grieving is natural. All I’m saying is there is talk. And if you’re thinking of practicing law again, whenever you’re ready, you should probably think about seeing someone. Because living like this, I mean, people have seen you out and about, drunk in the morning. And this is a small town, Tommy.”

“What are they saying about your decision to de-emphasize drug prosecutions? How do the locals feel about that one, Charlie? I mean, who gives a shit?”

“It’s not the same thing,” Charlie said.

Their exchange paused, and Tom burned a little as both men stared ahead at the mirror behind the bar. The truth hurt. He had always considered himself to be a strong, independent man. But Claire’s passing was really the first great test of his life, and he was failing miserably.

“I’m working on it,” Tom said finally. “But I don’t need no shrink.”

“All right,” Charlie said. “I didn’t want to upset you. I just thought you should know what’s going around.”

“I know,” Tom said. “Like *Peyton Place*, this little town.”

With that, Charlie’s lecture was over. They talked about nothing and drank beer. And by the time last call came, Tom had drunk the world into partial oblivion. He had little memory of his journey home from the bar. And his hours of fitful rest were black. Another small chunk of life taken away. Another day without Claire in the world.

Tom's sleep was rocked by the telephone. He opened one eye to let in the least amount of light that would orient him to time and place. His own bed. Bright daylight. The ringing continued, exploding in his head. It had to be stopped.

"Hello," Tom said in a muffled voice.

"Tommy." It was Charlie's voice, too exuberant. "Good news."

"Why are you awake?" Tom struggled for words.

"Some of us gotta work," Charlie said. "Hey, you got a pen and paper handy? Wilma's got a guy you need to talk to."

"I'll call you back in—" Tom said, dropping his head back on the pillow.

"No, no, no."

"What?" Tom said.

"This guy's up in our area today," Charlie insisted. "Get a pen and paper. You're going to want to talk to him."

Tom took down the information, then started to nurse another hangover.

