

## PART ONE

### *NEW YEAR'S EVE*

#### CHAPTER 1

Halfway up the steps the judge stopped to grab the handrail. It was a silver metal handrail, stainless steel and so cold that if there had been any moisture on his skin it would have bound him immediately. But he had no moisture, not on his skin or even in his mouth. He felt dry, but not merely the midwinter dry from low humidity and blasting steam pipes. He felt desiccated, as if he could collapse into dust and blow away.

He took a deep breath, worked his free hand under his topcoat and between the two flaps of his scarf. His heart gave one more of those crazy thumps, then steadied. He slid his other hand up the rail, gripped tight, and pulled himself up and out of the subway station.

The sky over Foley Square was flat gray, brightening to yellow only where the sun hung in the notch between the two federal courthouses. The wind blew hard, tumbling flattened coffee cups and grimy newspaper pages across his path. Up ahead, a man stood with one foot raised on the edge of the fountain and his hands shoved into the pockets of his peacoat. He wore a floppy black cap, faded jeans tight to his stubby legs. The judge thought he had seen the man before, but whether he was a litigant, a juror, or a punk he might have put away when he sat in criminal court long ago, he could not say.

The man suddenly turned as if sensing the force of the judge's stare. The judge realized then, in the millisecond before he lowered his eyes, that the man was a complete stranger to him.

The judge crossed Centre Street, passed the coffee cart at the bottom of the wide steps so popular in movie shoots and

fashion ads, and began his climb directly up between the two brass rails in case the thumps returned and he needed to grab hold. At the top, a court officer stood between the two center columns, arms akimbo, breathing smoke in the frigid air. The officer said good morning as the judge reached the top. The judge, trying to conceal his heavy breath, simply nodded.

In a few hours he'll hate me, the judge thought as he reached the revolving door.

"So what good is a frigging hour off in the middle of the day, huh?"

Jerry Elliott, his uniform already day's end sloppy, sat at a small desk at the edge of the rotunda. Pale sunlight reflecting off the Federal Building across Foley Square filtered in through the windowpanes over the main entrance, silhouetting Foxx in a wintry glow. Foxx only half-listened to Elliott, which was all the attention Elliott's carping usually deserved, while a backpack slid through the X-ray machine on a conveyor belt. The backpack belonged to a messenger who waited between the metal stanchions that ran the length of the sloping promenade from the lobby down to the rotunda.

"You're not even listening to me, are ya, Foxx?" said Elliott. He was a big guy who gave the impression of having been bigger, as if a sudden deflation left lines in his face and a sag behind his belt buckle.

"Sure I am," said Foxx, sweeping the messenger with a wand. "You're bitching about comp time."

Elliott sighed as the messenger grabbed his backpack and hustled to the elevators. He almost wished Foxx had not been listening, which would have given him something else to complain about.

"So tell me what the hell it's good for."

"Self-improvement," said Foxx.

"The only self-improvement I need is right here." Elliott slapped the wallet in his pants pocket.

"That's where you lack imagination," said Foxx. He was as trim and athletic as Elliott was big and dumpy, with a sway-back posture and well-oiled joints that lent grace to every movement.

"Think of what you can do. You can exercise, go to a library, take up yoga."

"I can't waste my time with that crap," said Elliott. "I got responsibilities."

"So do I."

"What are they? You got no wife, no kids."

"Responsibilities to myself, and to the greater good." Foxx

smiled puckishly. “Besides, this was no surprise. OCA’s been threatening to cut out overtime for years.”

“Yeah, well this is the year those bastards at OCA actually did it.”

“Because Werkman blew the contract negotiations.”

“He’ll get it back.”

“With that lawsuit?” said Foxx.

“The lawsuit isn’t our only chance,” said Elliott.

“What else is there?”

“I don’t know, but Bobby will think of something.”

“Bobby is it?” said Foxx. “Are you two buddies?”

“I worked with him in Westchester Supreme.”

“And I worked with him in Bronx Supreme. He was thrown out of every courthouse he ever worked. He had no choice but to become union president.”

“Maybe that was his plan. Work everywhere, get to know everyone so they’d vote for him.”

“Then he better come up with another plan pretty damn fast,” said Foxx. He snapped the band of his latex glove against his wrist. “Next election, he’ll be out on his ass.”

“Don’t be too sure. Bobby’s done a lot of good for a lot of people.”

“I don’t care what he’s done. Overtime trumps everything.”

Much as Elliott hated to admit it, Foxx was right. Overtime did trump everything, and the prospect of losing it was doing a number on his nerves. He checked his watch. It was 7:15, which left one hour and forty-five minutes in his last overtime shift of the year. Maybe forever, if his confidence in Bobby Werkman turned out to be misplaced. Overtime pay was precious to court officers. Other than moonlighting, it was the only way to supplement a civil service wage that did not go very far in a city like New York. But once the clock struck midnight tonight, all overtime pay would cease. Officers might still work an extra hour or two, but instead of double time pay Office of Court Administration regulations now decreed they would receive compensatory time. Or, as Elliott described it, a frigging hour off in the middle of the day.

“Hey, there he is,” said Elliott. “The man who holds our fate in his hands.”

Foxx followed Elliott’s eyes to the front entrance, where Judge Alvin Canter had just pushed in through the revolving door. The judge was bean-pole thin, a long coat hanging on his longer body. He scraped the black schapska off his head, and even at a distance Foxx could see the strands of his comb-over flying apart with static electricity.

“Overtime equals fate?” said Foxx. “Isn’t that overly

dramatic, Jerry?"

"Not to me it ain't."

The Judge unbuttoned his coat, shook the lapels loose, and headed past the coffee shop toward the judges' elevator in the south wing of the lobby.

"Think today's the day?" said Elliott.

"For what?"

"The ruling on Bobby's case. What else?"

"How the hell would I know?" said Foxx.

"Didn't you have something going with Canter's secretary?" said Elliott.

"Who told you that?"

"I don't know. No one. I thought..."

"Keep thinking, Jerry. Think all you want. Just keep your thoughts to yourself." Foxx peeled the latex gloves off his hands. "Excuse me."

He squeezed between two stanchions and glided smoothly up the promenade to an alcove where two banks of phone booths once had stood. He opened his cell phone and pressed in all ten digits of the number. Unlike most people, he did not rely on stored contact information. He refused to upgrade to a smart phone. To him, people who outsourced their brain functions to devices were in for an unpleasant surprise someday.

"What's up?" said Bev.

"What's up? No hello? No Happy New Year?"

She sighed. "Hello, Foxx. Happy New Year, Foxx. Now what's up?"

"Canter just walked in."

"This early? You think today's the day?"

Did she need to use Elliott's exact words, thought Foxx.

"New Year's Eve," he said. "Most of the judges will be no shows. The ones who are here have something important they need to get done. Yeah, I think today's the day."

"Keep an eye. I don't trust either side."

"Don't you work for the administration?"

"Aren't you a member of the union?"

"Touche," said Foxx, and cut the call.

Viewed schematically from above, the New York County Courthouse resembled a hardware bolt: a hexagon of courtrooms and back offices surrounding a central rotunda. The first four floors were designed with mezzanine levels constructed around two-story courtrooms whose original magnificence had deteriorated over time into a stately decay. The judges' chambers were located on the fifth and sixth floors. Depending on the interior architecture and

the position along the hexagonal outer face, chambers consisted of either a two- or three-room suite. But regardless of size or shape, all chambers shared a common attribute: They were completely private, utterly self-contained worlds.

The judge reached his door, unwedged the two copies of the *New York Law Journal* from the mail slot, and slipped the key into the lock. His chambers was one of the three-room varieties, with a large outer office that Tom and Carol shared, a narrow middle room filled with file cabinets and thick with potted plants, and a sizable inner office that was his private sanctum, his true chambers. He flipped the switch, and the triple bank of fluorescent lights in the outer office came on one, two, three. The third bank, the one over the conference table, flickered before strengthening. A buzz, loud enough to annoy but soft enough that he could not remember having heard it when he departed chambers last evening, vibrated in the air. He made a mental note to have Carol call the custodian.

The judge lit the full spectrum lamp in the middle room and reached behind a lush schefflera to switch on the humidifier, then moved into the studied order of his inner office. Two black velvet couches faced each other across an Oriental area rug laid atop the bland industrial wall-to-wall carpet that covered the entire suite. Laying an area rug atop an existing carpet seemed counterintuitive to him, but Carol had suggested it and he had to admit that it pulled the office together. Beyond the rug, his teak desk stretched almost the entire width of the office, its orange cast accentuated by the light from two Tiffany chandeliers.

The judge crossed between the two couches, successfully negotiating the curled edge of the rug that tripped him when he did not pay attention. Behind the desk, the green and red bindings of the New York case reporters filled a broad set of floor to ceiling bookshelves. On one side of the shelves was the closet where he hung his coat. On the other was the door to the lavatory where he washed his hands. Finished, he dragged the pile of decisions Tom had left for him last night from the corner of his desk to his blotter.

Motion practice was a staple of all civil litigation, and nowhere more so than in Manhattan. Judge Canter decided approximately 500 motions each year, the decisions ranging from two sentence knock-offs to carefully reasoned and precisely worded opuses. In his twenty years on the bench, the judge had employed three law clerks, and Tom definitely was the best of them. He had a literary, almost poetic facility with language, and his legal reasoning, except in those few areas of law he admitted he never could understand, was usually flawless. As a result, the Judge basically

read Tom's work for typos.

He dismantled the pile quickly, skimming and signing. The last decision, and he was sure Tom had positioned it this way, was *Werkman v. Office of Court Administration*. Rather than skim, he lingered over this one, weighing each word and following the flow of Tom's reasoning. At the end, he lifted his pen to stroke his characteristic "AC" and then hesitated. Ruling against the court officers union was distasteful, but neither he nor Tom could devise any other legally acceptable result. He slipped the pen into his shirt pocket, took his checkbook from his desk drawer, and went through the middle room to Carol's desk. He would come back to that decision later and give it one more read.

Carol was neat and organized, pencils and pens each in separate cups, two sizes of paper clips in magnetized dispensers, coffee cup wiped clean with a paper towel still crumpled inside, running shoes tucked under her desk. He sat on her chair, feeling a tingle at the thought that this was exactly where she parked her ass. The tingle faded, and he waited for that heart thump to return. Nothing happened, though, and he wondered whether the thoughts that kept him up last night had been simply night time thoughts.

He wrote the two checks, sealed them in an envelope, printed Carol's name, and lay the envelope in her top drawer.

Relieved, he went back to his own desk. He re-read that decision one last time and muttered, "Sorry, guys" before etching his initials on the signature line and "31" between December and the year.

He was watering the plants in the middle room when Carol breezed in at 8:30. They called hello to each other, the judge maneuvering himself into position to watch her arch her back and shed her coat. Her coat was long and red, with a sateen lining that slid easily over her wool turtleneck sweater. The sweater, combined with her plaid skirt and black boots, showed off her figure nicely.

He retreated to his desk and listened to the familiar sounds of Carol logging onto her computer, checking the chambers voice mail, firing up the coffee maker. She did not, as far as he could hear, open her desk drawer.

Eventually, as was chambers custom, she appeared in the avenue of doors that linked the three rooms, the judge's own coffee cup in her hand and a steno pad tucked under her arm. She set the coffee on his blotter and sat at the edge of the closest chair, her arms folded across her stomach and her knees primly pressed together. He took his first tentative sip of coffee, and she settled back and crossed her legs.

"What plans do you have for the big night?" he said.

Despite his skinny torso, he sat rigid and straight.

“Making popcorn and hoping my one glass of wine doesn’t knock me out before the ball drops.”

“I expected something more exotic.”

“Well, you know me.”

“I do,” said the judge. “Hence my expectations.”

Carol had been with him for nine years, four years longer than Tom. He knew that she dated, could see a certain look cross her face whenever she answered her cell phone and quickly took the call to the corridor outside. The specifics of her relationships were a complete mystery, but he could detect the fitful rhythms as infatuations flowered and faded. Lately, though, he sensed a difference in Carol. She was not exactly flirtatious; she was too reserved for that. But she seemed to have developed a connection with Tom that he doubted Tom even noticed. She seemed to be declaring her availability, something he recognized well.

“What about Tom?” he said. “Does he have any plans?”

“Not that I know. Why?”

“Just wondering.” The judge swivelled his chair sideways to hide his relief.

Carol rubbed her thumb across the inlays on the Judge’s desk. The judge liked to say that the desk had been carved from a single block of wood and that the inlays were African ivory. Carol had accepted these claims without question until Tom told her no block of wood was that big and the inlays were elaborate decals.

“Are you all right, judge?” she asked. In profile his lips looked thicker, his chin weaker, his comb-over scragglier.

“Fine. Just didn’t have a great night’s sleep.” He could have mentioned how those thumps in his chest kept him up all night, how he had trouble walking up the stairs from the subway station. But he wanted her concern, not her pity. And since he could not control which he would elicit, he turned back to face her and patted the pile of folders. “I signed all these, so you should get them filed today.”

Carol nodded.

“I left you something in your desk drawer. Don’t forget it when you leave today. And close my door on your way out. I think I’ll lie down for awhile.”

Carol carried the folders to the table in the middle room, closed the judge’s door, then went to her desk. “Goddammit,” she muttered when she saw the checks.

She marched right back and opened the door, but the judge was already asleep on one of the couches.