

A SUGGESTION OF DEATH was published February 2000 by Pocket Books in the United States. A British version was published by Headline in April 1999, and German and French, as well as other, translations followed in 2000.

Below is the first chapter of A SUGGESTION OF DEATH.



Never ask a witness a question unless you already know the answer. It's one of the first things they teach you in law school, but I already knew it anyway. Everybody knows it, from television. This advice is not really meant to apply to a discovery deposition, but even there you're at least supposed to know what it is you're trying to discover.

They also taught us that a surprised lawyer is a bad lawyer. Then there's another good one: Don't get emotionally involved with a client. Sterling principles, really, although I admit I never put much stock in the second. Even lawyers aren't so dull as to wish for lives devoid of surprise.

It was my law partner Tory Meadows who induced me to violate the first one, but although I broke it at Tory's behest, it wasn't on her behalf. It was for Mariah.

As for the last rule, I broke it on my own. I'd broken it at least once before. I suppose that makes me some kind of recidivist.

Our first meeting was unpromising. Inside the Hygiene Café the air was close and warm, a contrast to the windy March chill outside. Fog condensed onto my glasses as I stepped in. It was disorienting, and so was the slight but unmistakable lowering in volume of the ambient conversational buzz: the regulars turning to survey a newcomer. This breakfast spot was not on the tourist circuit.

A freckled waitress in red jeans smiled and came toward me, a menu in each hand. "You want breakfast or lunch?" she inquired.

"I'm supposed to meet someone," I said. "Mariah."

"Oh." She turned and looked at an older woman who was sorting checks behind the cash register. "Martha? You seen Mariah today?"

Martha shook her well-permed head without looking at me and took a deep drag off a cigarette that had been burning in an ashtray. "She works on Thursdays. She won't be coming in here."

I started to take a deep breath, then thought better of it. The fog that I had taken for steam had a large component of cigarette smoke too, I now saw. Smoking is not allowed in restaurants in Boulder, not even in bars, and like most Boulder types I have gotten used to smoke-free environments. But I gathered that the rules were different here in Hygiene, its name notwithstanding.

I smiled back at the waitress. "Suppose I just have coffee and a cinnamon rolls. I hear you make really good ones."

"Betcha life," she agreed. I followed her through the first room of the café into a larger room at the back, empty except for one couple smoking and eating eggs and bacon at the same time. "Joe and sugar," she called out as we passed the service window. "Black?" she asked me as she gestured toward a worn formica table with two tubular-steel-and-vinyl chairs.

"I'm sorry?"

"What are you sorry for? Do you want your coffee black?"

"Oh. No, cream, please. If you have it."

She smiled crookedly. "We have it."

"And if you see Mariah come in, will you tell her I'm back here?"

"You heard Martha, didn't you? She won't be here."

"Well, just in case."

She shrugged indifferently. "I spose."

I couldn't believe I had neglected to bring anything to read; I never travel without a book or at least a magazine. Abibliophobia, Sam calls it. Fear of running out of reading material. He went to one of those schools that make you study Latin.

There weren't many other customers in this back room. The bacon and egg couple seemed absorbed in their breakfast and their smokes; they paid me no attention. I looked at the photographs of prize bovines and rodeo scenes on the walls for a few minutes, then gazed out the west-facing window. There was no opportunity for eavesdropping, because the room was too noisy. In the corner of the room an ice machine made loud ka-whump sounds, like it needed a visit to the small-engine repair shop I'd seen on the corner.

I could have used a tune-up myself. For days I had been suffering from Impostor Syndrome, certain that the confidence that had carried me through fifteen years of practicing law was in retrospect a delusion, that I did not have the slightest idea what I was doing, and never had. I believe it may have started with the dream, which would mean it really started when I agreed to be on the radio.



It was one of those anxiety dreams: I was back in law school, carrying a crushing load of casebooks in a backpack as I banged about through the dim corridors, trying to locate the room where my exam was to be held. I couldn't find it, even though I knew it would be the same room where the class had been meeting all semester. That knowledge didn't help because (here I could feel my armpits dripping and the blood buzzing through my arteries like a swarm of furious flies) I hadn't been to class all semester. Not once. I flew around a corner, but there was nothing there but the door to the law library, full of all the unobtainable answers to the examination I was certainly about to flunk. I couldn't even remember the subject of the exam, I realized with sickening clarity. It could be anything: torts, criminal law, civil procedure, contracts. Commercial paper. Regulated industries, first amendment, administrative law

I don't know why my dream self didn't just give up, didn't simply drag the hopeless pack of books back out to the parking lot, and drive the rattletrap Opel I had in those days away from the school and the law forever. But she didn't, and I pounded those corridors in a fever of anxiety and shame all night long. Then somehow, my waking mind must have suspended the memory of the dream. I didn't think about it all day.

It wasn't until the evening, when I was on the radio and the whispery voice asked its question (What if it happens to a child?), that the memory of the dream blew into my head like a Chinook wind ahead of a cold front, and I knew I was about to be unmasked as the impostor I was.

But I was on the air and I had no time for dream analysis. And since simply saying "I don't know" is not good form when you are on the air, even if it's God's truth and in fact the only accurate answer, I used the skills I had. For despite the dream I had in fact passed all of my law school exams, graduated successfully, and even passed the bar exam, all many years ago. So I did know something useful. I knew how to make it sound as though I knew the answer, or that I would if it weren't such an ignorant and ill-formed question. And that's what I did. For which sin, utterly common in my profession, I am punished on various unpredictable nights by a recurrence of the dream.

Okay, sometimes I get ahead of myself; I never seem to know where to start. Let's go back to the radio show. The thing was, it never occurred to me that a radio appearance could be very difficult. Radio and I were old friends; I was into radio long before I knew anything about law. Twenty years ago, when I was in college in Poughkeepsie, New York, I used to deejay a folk music show: Flower Power Hour. Folk music was old-hat by then; everyone else was into disco, Saturday Night Fever and all that, but I'd always had an unaccountable infatuation with the 1960s. I'd line up those big old vinyl platters on the turntable and fill in the spots between Leonard Cohen and Mimi Farina with innocent jokey patter left over from

the sixties: Woodstock, and the Chicago Seven, and Senator Roman Hruska saying that even mediocre people deserved representation on the Supreme Court. At the time I imagined that being mediocre was about the worst fate a person could suffer.

I loved being on the radio because I had been told I had a sexy voice. Although our little collegiate broadcast station didn't have enough power to reach far beyond the campus, like an idiot I imagined lonely bachelors all over Poughkeepsie, and scattered through Cold Spring and Red Hook and Wappingers Falls, listening and imagining the slender, witty, lovely, but somehow melancholy girl talking away into the microphone on a Friday evening. At the time I weighed about two-ten, and probably hadn't had a date for eleven months. I believed that being fat was nearly as disgraceful as being mediocre, if perhaps not quite. My radio show comforted me immensely.

I don't know why I was always so hungry then, but the hunger left me without warning or explanation during my junior year. I lost eighty pounds and graduated from Vassar in a white size eight minidress; in the photographs my mother took the dress barely covers my crotch. Almost everyone else in my class was wearing floppy polyester and pointed collars, including my roommate Susie (the Lock) Wheelock who graduated magna cum laude in philosophy, but I remained true to my chosen style. My final radio show was broadcast the night before graduation; the last song I played was Fire and Rain. "Goodnight, and peace," I whispered as Sweet Baby James hummed out the last measures. "This is Cinda Hayes, signing off. Hope your life just grooves along."



There was no student radio station at the University of Colorado, where I went to law school. Over time all the skinny hippies had turned into jocks: rock climbers, runners, swimmers. So I started running myself and now, in my forties, I get twitchy and weepy if I can't run for three days in a row, and I eat almost everything I want to. Like most prosperous cities today, Boulder is bursting with astonishing food—tender croissants spread out in glass cases, pearlescent smoked salmon in the grocery deli, cappuccinos and lattes with foam bubbles tiny as nanoseconds. I am almost prosperous enough to buy whatever treat catches my eye without hesitating over its cost. Unlike cars and boats and Manolo Blahnik shoes, food is so cheap in this country that even the best of it is affordable to a middle-class lawyer with a mortgage but no kids. If she doesn't like fish eggs, anyway, and I don't.

Business had been a little sparse lately, however, and the nest egg with which my law partner Tory Meadows and I had bankrolled our new law practice was beginning to dwindle a bit. Tory was getting snappish about the cost of copier paper and bicycle messenger services; the week before my radio appearance she had insisted on delivering a motion to the courthouse in Ft. Collins herself, on her motorcycle, despite the circumstance that her time is worth \$150 an hour, and the messenger service would have charged us \$15 for the delivery. But I think it was the footnote instead of the motorcycle trip that made me realize how slow things had gotten.

"What do you think of this motion?" she had asked me that afternoon, flapping a page in each hand to dry them as they emerged from our office inkjet printer.

"What is it?" I asked inattentively. I was looking over our billing records.

She shrugged. "Routine. Motion for return of items seized as evidence. In that violation of custody case I did in Ft. Collins."

I took the two-page document from her and looked it over. Probably she saw me trying unsuccessfully to suppress a smile.

"What?" she said.

"Nothing," I said back. "It looks great. Excellent."

"Give it up, Minnie. What's the smirk about?" Tory called me Minnie Mouse when she was annoyed at me, or wanted to annoy me. Together these circumstances accounted for about sixty percent of the time.

"What smirk?"

"It's the footnote, isn't it?"

"It's an excellent footnote," I said, squinting at it again. It described a skirmish between two Supreme Court justices concerning the proper view of how another footnote, in an earlier Supreme Court opinion, should be read.

"So?" she said.

I handed it back to her. "It's very impressive. But, without wishing to disparage the experience of being a judge of the Nineteenth Judicial District Court of Colorado, I doubt that any member of that worthy bench has ever seen a footnote in a two-page motion before. Not," I added hastily, "that there shouldn't be a first time for everything."

She turned away from me scornfully. "You talk like some professor, but you're one of the most anti-intellectual persons I have ever met, Minnie Mouse." Ten minutes later I heard the subdued roar of her Kawasaki as she turned it out of the alley behind Pearl Street, heading north toward Ft. Collins to file her motion. She had left without saying goodbye; I guess she was really fond of that footnote.

It was ridiculous. Ft. Collins is forty miles away, and even March days that start out sunny and mild can turn out very iffy in Colorado; March is the snowiest month here. I knew Tory's burning need to carry the motion to the courthouse herself by motorcycle had more to do with her own demons than with any need for us to economize. Tory had been kidnapped and hurt—hurt badly, I thought—by a thuggish police officer in 1989, in part because she knew something that might have proved the innocence of my client Jason Smiley. Jason was dead now because his innocence hadn't mattered enough. I thought I had come to terms with my

failure to save his life, and Tory seemed to have recovered from her ordeal. But she wouldn't talk to me, or to her lover Linda, about what had happened to her that weekend. Linda and I agreed that this wasn't good, but it had been a long time since either one of us had brought the matter up with Tory. Constant motion was one way she kept her memories at bay.

Both the retreating whine of the bike's engine, and the footnote, made it clear we just weren't busy enough. Boulder had too many damn lawyers for us to sit around drinking lattes, decorating routine motions with footnotes, and waiting for clients to walk in; I needed to drum up a little action. So when Marta Tafoya, president of the Boulder County Bar Association, asked me later that week if I would take a turn hosting the legal advice call-in show on the local NPR affiliate, I said yes. I won't say I didn't worry at all about not knowing the answer to the inevitable landlord-tenant and marital dissolution questions. I've been a criminal lawyer most of my life; I only started handling civil cases when Tory and I began our partnership last year. But I did a quick brush-up from Continuing Legal Education outlines and thought I was ready. Other people did this kind of thing all the time, I told myself. I was smart: I had graduated in the top five in my law school class. Why shouldn't I be able to answer a few legal questions on the radio?

That was my conscious mind talking, there. Not the other part, the one that houses the ones that Stephen King calls the boys in the basement. Probably those boys were at work on the dream already.

It wasn't that I would be paid for appearing on the advice show; it's a volunteer service sponsored by the bar association. But I had heard that sometimes people would listen to a lawyer on the radio show and decide that she sounded smart and easy to talk to, and later call the office and ask for an appointment. Marta had assured me I would be allowed, even expected, to strew mention of my name and our law firm, together with our specialties and location, liberally through the broadcast. And I had thought that being on radio again would be, as I would have said in my earlier radio days, a trip.

I arrived at the station about six in the evening, half an hour before the broadcast would begin. Dark had fallen, but the March evening air did not bite too sharply as I walked across the parking lot to the drab warren of offices that housed KGNU. Fergus O'Shaughnessy, the station's programming manager, met me at the reception desk in a pair of spectacularly ragged overalls. He showed me to the glassed-in room we would use for the broadcast and introduced his assistants Shawna and Siobhan, a pair of University of Colorado students doing their internships. The place was like a Gaelic Woodstock; I was feeling quite nostalgic. Siobhan had a headful of ferociously red hair so spiky I made a whimsical mental note not to get too close, for safety reasons. She would be handling the technical end of the broadcast and providing introductions and transitions. Shawna, her shoulders under a Phish t-shirt at once slim and sturdy like a dancer's, would get coffee and water and provide general assistance. This was way more help than I was accustomed to having with anything, so I luxuriated in it as they spaced the mikes, checked the sound level, and coordinated with the telephone operator who would be answering the incoming calls and transferring them in to me and Siobhan through our headphones. I fiddled with the headset and leafed through the notes I had brought: a page of

lawyer jokes in case things got slow, an index to the Colorado Revised Statutes, a list of legal resources to which I might refer a caller, the number of our nobly struggling local Legal Services office. I felt fine.

Six-thirty came, the red light went on, and I could hear a muted version of the perky music that always introduced the Call A Lawyer Show. After a few measures it faded away, and Siobhan began to speak. She had a great voice, I noticed, throaty but melodious; she was reading from the short written bio Fergus had asked me to bring.

"Our host tonight, in cooperation with the Boulder County Bar Association, is Cinda Hayes. Cinda is a graduate of the University of Colorado Law School, former Assistant District Attorney here in Boulder, and after that Director of the Boulder County Rape Crisis Team. She now practices law with the firm Hayes and Meadows, right here in Boulder, located on Pearl Street above Pour La France. Hayes and Meadows specializes in employment discrimination and personal injury litigation, especially intimate torts." Here Siobhan gave me a puzzled sideways look. The phrase was from my bio, and I suddenly regretted it. It had looked good on the page, but sounded weird when she said it. "We're lucky to have her with us tonight, and we encourage you to call in with your legal questions," Siobhan continued. "Ah, there's a caller already. Hello, this is KGNU Call a Lawyer."

The first caller had put up her house to bond her brother out of jail on a drug charge. He'd disappeared and she was about to lose the house. She had no idea where he was, and he owed her five hundred dollars she had given him for the lawyer besides. He'd always been like that: rotten. And another thing, his dirtbag lawyer refused to tell her anything, even though he had to know where his client was. Can they do that? she asked.

Can they do that? How many times had I been asked that question in one form or another? It sounded like the name of a country-folk song, of the sort that Robert Earl Keen could have written in a funny version, or Michelle Shocked in one of her seriously bitter moods. I tried to be honest with the caller (unless you have the money to pay off the bond amount, there's nothing you can do to keep them from taking your house), while halfheartedly defending the tattered honor of my profession (your brother's lawyer is not allowed to disclose any confidences that he may have learned), and offering a small amount of useful information (you are allowed to bid on your own house at the sheriff's sale, and if you are the high bidder, you can buy it back).

I sighed as she hung up, realizing that what I had really wanted to tell her was Gosh, you need a lawyer. I often had the same impulse with my own clients, and sometimes wondered what they would say if I yielded to it.

But--- aren't you a lawyer?

Siobhan was motioning to me: hel-lo. Another caller.

"This is Cinda Hayes. Did you have a legal question?" I leaned into the mike.

Barely suppressed chuckles in the headphone. "I was, like, wondering. For a legal reason. Like, what is an intimate tort? Exactly?" Snort. It sounded like a teenage boy, probably with a confederate on the extension. Shit. I'd never been a junior high school teacher. I didn't know how to handle this stuff. The Socratic method—answering a question with another-- occurred to me because I had seen so many of my law professors use it to stall for time when they didn't know how to handle a student's comment.

"Why?" I asked. "Do you think you may have been the victim of one?"

More snorting, followed by some puffing. "Puhhh! I don't think so."

Of course, the Socratic method didn't always work. I repaired to the more traditional lecture method. "A tort is a civil wrong—it may be a crime, but not necessarily," I explained. "The law uses some quaint terms, like we call a person who commits a tort a tortfeasor. An intimate tort is simply a tort committed by a tortfeasor who is in a close relationship with the victim. For many years, there were very few lawsuits based on these kinds of wrongs. Courts would say they were barred by family immunity, or victims just wouldn't want to sue the person who harmed them because they were too embarrassed. But family immunity has been abolished mostly, and victims have realized that civil suits can be a way to fight back. There's no reason why a victim of an acquaintance rape, or a woman who is beaten by her husband, can't sue for damages. My partner and I have handled several of those kinds of cases. They pose some special challenges, but we've been pretty successful with them. Does that answer your question, sir?"

"Pfhhh!" he snickered again. "Tartfreezer?"

"Feesor. Tortfeasor. One who commits a tort." I was getting tired of this conversation. "Sir? Does that answer your legal question?"

"OK," he said faintly, and hung up. I looked at Siobhan for guidance; she gave me a Go Figure shrug and shook her head. No new caller yet. She pointed toward my page of lawyer jokes.

"Now," I said in my best seductive radio voice, "for all of you who love to hate lawyers, a little joke. Do you know what lawyers use for contraception? No? They use . . . their personalities. Do you know how you can tell when a lawyer is lying?"

Siobhan cut in. "Let's let them think about that one. Here's another caller, Ms. Hayes. Hello? This is Call a Lawyer with Cinda Hayes."

I could barely hear her at first, so soft was her voice, and like too many women she made every sentence into a question. "Those intimate torts you talked about? How long do you have to file them? You know what I mean? There's a name for it? But I can't remember . . ."

"Statute of limitations," I broke in. "That's what we call the deadline for filing a lawsuit. It isn't always the same, even for intimate torts. Depends on the nature of the claim, and possibly even on the intentions of the tortfeasor. One year to six years in Colorado, depending."

"Well, what if someone hurts you on purpose?" the small voice persisted. "How long then?"

"Ah, those are the shorter limitation periods. One or two years, depending."

"I see?" she said. "Depending on—like, on what?"

I realized I wasn't really sure. Tell her you don't know, you big fake. I coughed delicately. "Well, it's complicated, actually. Probably too much so for a radio show."

One of the advantages of a really fine legal education is that you develop an unerring sense of when someone is about to ask you a question that you can't answer. Because I could hear the youth in her childish diction, I knew what Ms. Whisper's next question would be in the dread instant before she said it.

"OK, then here's another thing? What if it happens to a child?"

That was when the memory of the dream broke over me like a wave: the hopeless chase around the echoing corridors looking for a test I was certain to fail. Worse, the dream had now acquired a soundtrack, a voice-over: That's a good question, phonus balonus. And you don't know the answer, do you?

The thing was, I sort of knew the answer. Sort of. I knew that in some places the statute of limitations doesn't start to run until a child reaches majority. And I also knew that in some places that's not the rule. So I knew quite a bit actually, but I didn't know the really rather small detail about whether Colorado was one of the first kind of place, or the second. This, too, was a result of having had a first-rate legal education. Even though I had gone to law school at the University of Colorado, my professors made a point of not teaching "local" law. We used to joke about it as students, dizzy from the relentless theorizing of our seminars: The really good law schools, we assured each other, will teach you in a way that is not limited to the law of a particular jurisdiction. And the truly elite schools, like this one, will teach you in a way that is not tied to the law of a particular planet.

If I'd had a few minutes I could have looked it up, but I didn't, and the unwelcome memory of the nightmare was expanding inside my head, crowding out everything else. It was fed by my terror of not knowing, but there was also the quaver of desperation in the caller's voice. I knew she wasn't calling out of curiosity. The headset started to feel hot and sticky on my ears, and I realized my hands were unsteady.

"Well, you know that's also a rather complex question." I gestured ferociously to Siobhan. "I wonder if our caller could leave her telephone number with the operator, and I could telephone her in a day or two so we could discuss these particular questions further without taking up more air time."

"Yes, why don't you do that," said Siobhan quickly into her mike. "I'll transfer you back to the operator. Thanks for calling. And now a news break from National Public Radio news. We'll be back at fifteen minutes after the hour for more of Call a Lawyer with Cinda Hayes of Boulder."

More peppy music. "Whew," I said, pulling off my headphones and wondering whether Siobhan saw right through me. "This is not easy."

"You're doing great," said Siobhan. "Just talk a little more slowly, if you can. Otherwise, you're fine. Water?" She gestured to an ancient-looking metal carafe.

"Sure," I said doubtfully, hoping the water was newer than the container. She started to pour a stream of it into a paper cup. "Shall I go back to the lawyer jokes when we come back?"

"Yeah, finish the one about when a lawyer is lying. Then if we don't have any callers, I'll ask you some questions myself. I prepared a few." She smiled brilliantly and handed me the paper cup. I peered at the water inside; it looked all right.

"Do you think that last caller will leave her number?" I asked.

"DK," replied Siobhan, running her hands over her alarming hair, seemingly unaware of the danger of a puncture wound.

"DK?" I repeated.

"Sorry," she said with a smile. "Don't know. I don't know if she'll leave her number. That sounded like kind of a complex question she was asking."

"Um, yeah. Really not of general interest, I thought. Better to call her later."

"Sure," she smiled guilelessly. "Back on the air in five seconds."

I put the headphones back on and took a last sip from the cup.

Siobhan got me through the rest of the half-hour. I finished the lawyer joke (his mouth is moving), a new caller had a zoning problem, a man asked about child custody evaluations. Someone wanted to discuss the Rodney King cases. Finally, it was over.

Fergus shook my hand and invited me to come back soon. I stumbled across the parking lot to my Subaru, still preoccupied with the desperate dream and the feelings it had uncaged, then remembered I had left behind my briefcase and turned back. Shawna met me

with it at the door. "You did great," she said as she handed over the battered leather pouch, gesturing toward a folded slip of paper tucked into the outside pocket. "I put that one caller's phone number in there. She gave the operator a little more information, too, and said she'd really appreciate a call back."

"Thanks," I said. "Thanks for everything, Shawna."

"No prob," she said kindly.

Back in my car I unfolded the slip of paper. Wants to know, the operator had written, *what if stat. of lim. is about to run but she can't exactly remember what tort feesor (?) did to hurt her. Because she was very young. But is sure it was something. Please call. 405-7522. Mariah.*