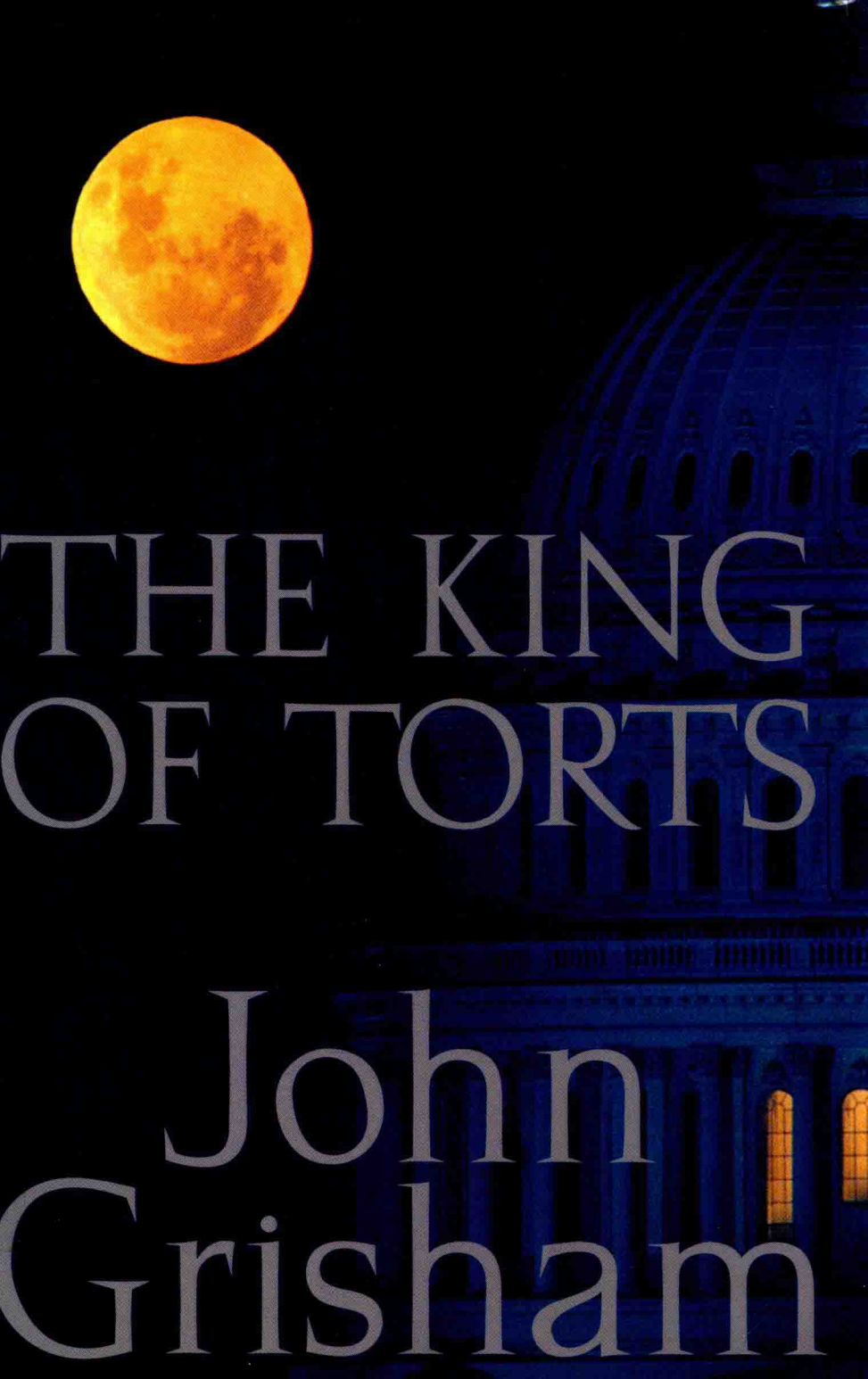
THE KING
OF TORTS
John
Grisham

THE KING OF TORTS

DOUBLEDAY

New York London Toronto Sydney Auckland

PUBLISHED BY DOUBLEDAY
a division of Random House, Inc.

This book is a work of fiction. Names, characters, businesses, organizations, places, events, and incidents either are the product of the author's imagination or are used fictitiously. Any resemblance to actual persons, living or dead, events, or locales is entirely coincidental.

Book design by Maria Carella

ISBN 0-385-50804-2

PRINTED IN THE UNITED STATES OF AMERICA

THE KING OF TORTS

ALSO BY JOHN GRISHAM

A Time to Kill

The Firm

The Pelican Brief

The Client

The Chamber

The Rainmaker

The Runaway Jury

The Partner

The Street Lawyer

The Testament

The Brethren

A Painted House

Skipping Christmas

The Summons

JOHN GRISHAM

1

THE SHOTS THAT FIRED the bullets that entered Pumpkin's head were heard by no less than eight people. Three instinctively closed their windows, checked their door locks, and withdrew to the safety, or at least the seclusion, of their small apartments. Two others, each with experience in such matters, ran from the vicinity as fast if not faster than the gunman himself. Another, the neighborhood recycling fanatic, was digging through some garbage in search of aluminum cans when he heard the sharp sounds of the daily skirmish, very nearby. He jumped behind a pile of cardboard boxes until the shelling stopped, then eased into the alley where he saw what was left of Pumpkin.

And two saw almost everything. They were sitting on plastic milk crates, at the corner of Georgia and Lamont in front of a liquor store, partially hidden by a parked car so that the gunman, who glanced around briefly before following Pumpkin into the alley, didn't see them. Both would tell the police that they saw the boy with the gun reach into his pocket and pull it out; they saw the gun for sure, a small black pistol. A second later they heard the shots, though they did not actually see Pumpkin take them in the head. Another second, and the boy with the gun darted from the alley and, for some reason, ran straight in their direction. He ran bent at the waist, like a scared dog, guilty as hell. He wore red-and-yellow basketball shoes that seemed five sizes too big and slapped the pavement as he made his getaway.

When he ran by them he was still holding the gun, probably a .38, and he flinched just for a instant when he saw them and realized they had seen too much. For one terrifying second, he seemed to raise the gun as if to eliminate the witnesses, both of whom managed to flip backward from their plastic milk crates and scramble off in a mad flurry of arms and legs. Then he was gone.

One of them opened the door to the liquor store and yelled for someone to call the police, there had been a shooting.

Thirty minutes later, the police received a call that a young man matching the description of the one who had wasted Pumpkin had been seen twice on Ninth Street carrying a gun in open view and acting stranger than most of the people on Ninth. He had tried to lure at least one person into an abandoned lot, but the intended victim had escaped and reported the incident.

The police found their man an hour later. His name was Tequila Watson, black male, age twenty, with the usual drug-related police record. No family to speak of. No address. The last place he'd been sleeping was a rehab unit on W Street. He'd managed to ditch the gun somewhere, and if he'd robbed Pumpkin then he'd also thrown away the cash or drugs or whatever the booty was. His pockets were clean, as were his eyes. The cops were certain Tequila was not under the influence of anything when he was arrested. A quick and rough interrogation took place on the street, then he was handcuffed and shoved into the rear seat of a D.C. police car.

They drove him back to Lamont Street, where they arranged an impromptu encounter with the two witnesses. Tequila was led into the alley where he'd left Pumpkin. "Ever been here before?" a cop asked.

Tequila said nothing, just gawked at the puddle of fresh blood on the dirty concrete. The two witnesses were eased into the alley, then led quietly to a spot near Tequila.

"That's him," both said at the same time.

"He's wearing the same clothes, same basketball shoes, everything but the gun."

"That's him."

"No doubt about it."

Tequila was shoved into the car once again and taken to jail. He was booked for murder and locked away with no immediate chance of bail. Whether through experience or just fear, Tequila never said a word to the cops as they pried and cajoled and even threatened. Nothing incriminating, nothing helpful. No indication of why he would murder Pumpkin. No clue as to their history, if one existed at all. A veteran detective made a brief note in the file that the killing appeared a bit more random than was customary.

No phone call was requested. No mention of a lawyer or a bail bondsman. Tequila seemed dazed but content to sit in a crowded cell and stare at the floor.

PUMPKIN HAD NO TRACEABLE father but his mother worked as a security guard in the basement of a large office building on New York Avenue. It took three hours for the police to determine her son's real name—Ramón Pumphrey—to locate his address, and to find a neighbor willing to tell them if he had a mother.

Adelfa Pumphrey was sitting behind a desk just inside the basement entrance, supposedly watching a bank of monitors. She was a large thick woman in a tight khaki uniform, a gun on her waist, a look of complete disinterest on her face. The cops who approached her had done so a hundred times. They broke the news, then found her supervisor.

In a city where young people killed each other every day, the slaughter had thickened skins and hardened hearts, and every mother knew many others who'd lost their children. Each loss brought death a step closer, and every mother knew that any day could be the last. The mothers had watched the others survive the horror. As Adelfa Pumphrey sat at her desk with her face in her hands, she thought of her son and his lifeless body lying somewhere in the city at that moment, being inspected by strangers.

She swore revenge on whoever killed him.

She cursed his father for abandoning the child.

She cried for her baby.

And she knew she would survive. Somehow, she would survive.

ADELFA WENT TO COURT to watch the arraignment. The police told her the punk who'd killed her son was scheduled to make his first appearance, a quick and routine matter in which he would plead not guilty and ask for a lawyer. She was in the back row with her brother on one side and a neighbor on the other, her eyes leaking tears into a damp handkerchief. She wanted to see the boy. She also wanted to ask him why, but she knew she would never get the chance.

They herded the criminals through like cattle at an auction. All were black, all wore orange coveralls and handcuffs, all were young. Such waste.

In addition to his handcuffs, Tequila was adorned with wrist and ankle chains since his crime was especially violent, though he looked fairly harmless when he was shuffled into the courtroom with the next

wave of offenders. He glanced around quickly at the crowd to see if he recognized anyone, to see if just maybe someone was out there for him. He was seated in a row of chairs, and for good measure one of the armed bailiffs leaned down and said, "That boy you killed. That's his mother back there in the blue dress."

With his head low, Tequila slowly turned and looked directly into the wet and puffy eyes of Pumpkin's mother, but only for a second. Adelfa stared at the skinny boy in the oversized coveralls and wondered where his mother was and how she'd raised him and if he had a father, and, most important, how and why his path had crossed that of her boy's. The two were about the same age as the rest of them, late teens or early twenties. The cops had told her that it appeared, at least initially, that drugs were not involved in the killing. But she knew better. Drugs were involved in every layer of street life. Adelfa knew it all too well. Pumpkin had used pot and crack and he'd been arrested once, for simple possession, but he had never been violent. The cops were saying it looked like a random killing. All street killings were random, her brother had said, but they all had a reason.

On one side of the courtroom was a table around which the authorities gathered. The cops whispered to the prosecutors, who flipped through files and reports and tried valiantly to keep the paperwork ahead of the criminals. On the other side was a table where the defense lawyers came and went as the assembly line sputtered along. Drug charges were rattled off by the Judge, an armed robbery, some vague sexual attack, more drugs, lots of parole violations. When their names were called, the defendants were led forward to the bench, where they stood in silence. Paperwork was shuffled, then they were hauled off again, back to jail.

"Tequila Watson," a bailiff announced.

He was helped to his feet by another bailiff. He stutter-stepped forward, chains rattling.

"Mr. Watson, you are charged with murder," the Judge announced loudly. "How old are you?"

"Twenty," Tequila said, looking down.

The murder charge had echoed through the courtroom and brought a temporary stillness. The other criminals in orange looked on with admiration. The lawyers and cops were curious.

"Can you afford a lawyer?"

"No."

"Didn't think so," the Judge mumbled and glanced at the defense table. The fertile fields of the D.C. Superior Court Criminal Division, Felony Branch, were worked on a daily basis by the Office of

the Public Defender, the safety net for all indigent defendants. Seventy percent of the docket was handled by court-appointed counsel, and at any time there were usually half a dozen PDs milling around in cheap suits and battered loafers with files sticking out of their briefcases. At that precise moment, however, only one PD was present, the Honorable Clay Carter II, who had stopped by to check on two much lesser felonies, and now found himself all alone and wanting to bolt from the courtroom. He glanced to his right and to his left and realized that His Honor was looking at him. Where had all the other PDs gone?

A week earlier, Mr. Carter had finished a murder case, one that had lasted for almost three years and had finally been closed with his client being sent away to a prison from which he would never leave, at least not officially. Clay Carter was quite happy his client was now locked up, and he was relieved that he, at that moment, had no murder files on his desk.

That, evidently, was about to change.

"Mr. Carter?" the Judge said. It was not an order, but an invitation to step forward to do what every PD was expected to do—defend the indigent, regardless of the case. Mr. Carter could not show weakness, especially with the cops and prosecutors watching. He swallowed hard, refused to flinch, and walked to the bench as if he just might demand a jury trial right there and then. He took the file from the Judge, quickly skimmed its rather thin contents while ignoring the pleading look of Tequila Watson, then said, "We'll enter a plea of not guilty, Your Honor."

"Thank you, Mr. Carter. And we'll show you as counsel of record?"

"For now, yes." Mr. Carter was already plotting excuses to unload this case on someone else at OPD.

"Very well. Thank you," the Judge said, already reaching for the next file.

Lawyer and client huddled at the defense table for a few minutes. Carter took as much information as Tequila was willing to give, which was very little. He promised to stop by the jail the next day for a longer interview. As they whispered, the table was suddenly crowded with young lawyers from the PD's office, colleagues of Carter's who seemed to materialize from nowhere.

Was this a setup? Carter asked himself. Had they disappeared knowing a murder defendant was in the room? In the past five years, he'd pulled such stunts himself. Ducking the nasty ones was an art form at OPD.

He grabbed his briefcase and hurried away, down the center aisle, past rows of worried relatives, past Adelfa Pumphrey and her little support group, into the hallway crammed with many more criminals and their mommas and girlfriends and lawyers. There were those in OPD who swore they lived for the chaos of the H. Carl Moultrie Courthouse—the pressure of trials, the hint of danger from people sharing the same space with so many violent men, the painful conflict between victims and their assailants, the hopelessly overcrowded dockets, the calling to protect the poor and ensure fair treatment by the cops and the system.

If Clay Carter had ever been attracted to a career in OPD, he could not now remember why. In one week the fifth anniversary of his employment there would come and go, without celebration, and, hopefully, without anyone knowing it. Clay was burned out at the age of thirty-one, stuck in an office he was ashamed to show his friends, looking for an exit with no place to go, and now saddled with another senseless murder case that was growing heavier by the minute.

In the elevator he cursed himself for getting nailed with a murder. It was a rookie's mistake; he'd been around much too long to step into the trap, especially one set on such familiar turf. I'm quitting, he promised himself; the same vow he had uttered almost every day for the past year.

There were two others in the elevator. One was a court clerk of some variety, with her arms full of files. The other was a fortyish gentleman dressed in designer black—jeans, T-shirt, jacket, alligator boots. He held a newspaper and appeared to be reading it through small glasses perched on the tip of his rather long and elegant nose; in fact, he was studying Clay, who was oblivious. Why would someone pay any attention to anyone else on this elevator in this building?

If Clay Carter had been alert instead of brooding, he would have noticed that the gentleman was too well dressed to be a defendant, but too casual to be a lawyer. He carried nothing but a newspaper, which was somewhat odd because the H. Carl Moultrie Courthouse was not known as a place for reading. He did not appear to be a judge, a clerk, a victim, or a defendant, but Clay never noticed him.

2

IN A CITY of 76,000 lawyers, many of them clustered in megafirms within rifle shot of the U.S. Capitol—rich and powerful firms where the brightest associates were given obscene signing bonuses and the dullest ex-Congressmen were given lucrative lobbying deals and the hottest litigators came with their own agents—the Office of the Public Defender was far down in the minor leagues. Low A.

Some OPD lawyers were zealously committed to defending the poor and oppressed, and for them the job was not a stepping-stone to another career. Regardless of how little they earned or how tight their budgets were, they thrived on the lonely independence of their work and the satisfaction of protecting the underdog.

Other PDs told themselves that the job was transitory, just the nitty-gritty training they needed to get launched into more promising careers. Learn the ropes the hard way, get your hands dirty, see and do things no big-firm associate would ever get near, and someday some firm with real vision will reward the effort. Unlimited trial experience, a vast knowledge of the judges and the clerks and the cops, workload management, skills in handling the most difficult of clients—these were just a few of the advantages PDs had to offer after only a few years on the job.

OPD had eighty lawyers, all working in two cramped and suffocating floors of the District of Columbia Public Services Building, a pale, square, concrete structure known as The Cube, on Mass Avenue near Thomas Circle. There were about forty low paid secretaries and three dozen paralegals scattered through the maze of cubbyhole offices. The Director was a woman named Glenda who spent most of her time locked in her office because she felt safe in there.

The beginning salary for an OPD lawyer was $36,000. Raises were minuscule and slow in coming. The most senior lawyer, a fraz-

zled old man of forty-three, earned $57,600 and had been threatening to quit for nineteen years. The workloads were staggering because the city was losing its own war on crime. The supply of indigent criminals was endless. Every year for the past eight Glenda had submitted a budget requesting ten more lawyers and a dozen more paralegals. In each of the last four budgets she had received less money than the year before. Her quandary at the moment was which paralegals to terminate and which lawyers to force into part-time work.

Like most of the other PDs, Clay Carter had not entered law school with the plan of a career, or even a brief stint, defending indigent criminals. No way. Back when Clay was in college and then law school at Georgetown his father had a firm in D.C. Clay had worked there part-time for years, and had his own office. The dreams had been boundless back then, father and son litigating together as the money poured in.

But the firm collapsed during Clay's last year of law school, and his father left town. That was another story. Clay became a public defender because there were no other last-second jobs to grab.

It took him three years to jockey and connive his way into getting his own office, not one shared with another lawyer or paralegal. About the size of a modest suburban utility closet, it had no windows and a desk that consumed half the floor space. His office in his father's old firm had been four times larger with views of the Washington Monument, and though he tried to forget those views he couldn't erase them from his memory. Five years later, he still sat at his desk at times and stared at the walls, which seemed to get closer each month, and asked himself how, exactly, did he fall from one office to the other?

He tossed the Tequila Watson file on his very clean and very neat desk and took off his jacket. It would have been easy, in the midst of such dismal surroundings, to let the place go, to let the files and papers pile up, to clutter his office and blame it on being overworked and understaffed. But his father had believed that an organized desk was a sign of an organized mind. If you couldn't find something in thirty seconds, you were losing money, his father always said. Return phone calls immediately was another rule Clay had been taught to obey.

So he was fastidious about his desk and office, much to the amusement of his harried colleagues. His Georgetown Law School diploma hung in a handsome frame in the center of a wall. For the first two years at OPD he had refused to display the diploma for fear that the other lawyers would wonder why someone from Georgetown

was working for minimum wages. For the experience, he told himself, I'm here for the experience. A trial every month—tough trials against tough prosecutors in front of tough juries. For the down-in-the-gutter, bare-knuckle training that no big firm could provide. The money would come later, when he was a battle-hardened litigator at a very young age.

He stared at the thin Watson file in the center of his desk and wondered how he might unload it on someone else. He was tired of the tough cases and the superb training and all the other crap that he put up with as an underpaid PD.

There were six pink phone message slips on his desk; five related to business, one from Rebecca, his longtime girlfriend. He called her first.

"I'm very busy," she informed him after the required initial pleasantries.

"You called me," Clay said.

"Yes, I can only talk a minute or so." Rebecca worked as an assistant to a low-ranking Congressman who was the chairman of some useless subcommittee. But because he was the chairman he had an additional office he was required to staff with people like Rebecca who was in a frenzy all day preparing for the next round of hearings that no one would attend. Her father had pulled strings to get her the job.

"I'm kinda swamped too," Clay said. "Just picked up another murder case." He managed to add a measure of pride to this, as if he were honored to be the attorney for Tequila Watson.

It was a game they played: Who was the busiest? Who was the most important? Who worked the hardest? Who had the most pressure?

"Tomorrow is my mother's birthday," she said, pausing slightly as if Clay was supposed to know this. He did not. He cared not. He didn't like her mother. "They've invited us to dinner at the club."

A bad day just got worse. The only response he could possibly give was, "Sure." And a quick one at that.

"Around seven. Coat and tie."

"Of course." I'd rather have dinner with Tequila Watson at the jail, he thought to himself.

"I gotta run," she said. "See you then. Love you."

"Love you."

It was a typical conversation between the two, just a few quick lines before rushing off to save the world. He looked at her photo on his desk. Their romance came with enough complications to sink ten

marriages. His father had once sued her father, and who won and who lost would never be clear. Her family claimed origins in old Alexandria society; he'd been an Army brat. They were right-wing Republicans, he was not. Her father was known as Bennett the Bulldozer for his relentless slash-and-burn development in the Northern Virginia suburbs around D.C. Clay hated the sprawl of Northern Virginia and quietly paid his dues to two environmental groups fighting the developers. Her mother was an aggressive social climber who wanted her two daughters to marry serious money. Clay had not seen his mother in eleven years. He had no social ambitions whatsoever. He had no money.

For almost four years, the romance had survived a monthly brawl, the majority of them engineered by her mother. It clung to life by love and lust and a determination to succeed regardless of the odds against it. But Clay sensed a fatigue on Rebecca's part, a creeping weariness brought on by age and constant family pressure. She was twenty-eight. She did not want a career. She wanted a husband and a family and long days spent at the country club spoiling the children, playing tennis, doing lunch with her mother.

Paulette Tullos appeared from thin air and startled him. "Got nailed, didn't you?" she said with a smirk. "A new murder case."

"You were there?" Clay asked.

"Saw it all. Saw it coming, saw it happen, couldn't save you, pal."

"Thanks. I owe you one."

He would have offered her a seat, but there were no others in his office. There was no room for chairs and besides they were not needed because all of his clients were in jail. Sitting and chatting were not part of the daily routine at OPD.

"What are my chances of getting rid of it?" he said.

"Slim to impossible. Who you gonna dump it on?"

"I was thinking of you."

"Sorry. I got two murder cases already. Glenda won't move it for you."

Paulette was his closest friend inside the OPD. A product of a rough section of the city, she had scratched her way through college and law school at night and had seemed destined for the middle classes until she met an older Greek gentleman with a fondness for young black women. He married her and set her up comfortably in North West Washington, then eventually returned to Europe, where he preferred to live. Paulette suspected he had a wife or two over

there, but she wasn't particularly concerned about it. She was well-off and seldom alone. After ten years, the arrangement was working fine.

"I heard the prosecutors talking," she said. "Another street killing, but questionable motive."

"Not exactly the first one in the history of D.C."

"But no apparent motive."

"There's always a motive—cash, drugs, sex, a new pair of Nikes."

"But the kid was pretty tame, no history of violence?"

"First impressions are seldom true, Paulette, you know that."

"Jermaine got one very similar two days ago. No apparent motive."

"I hadn't heard."

"You might try him. He's new and ambitious and, who knows, you might dump it on him."

"I'll do it right now."

Jermaine wasn't in but Glenda's door, for some reason, was slightly open. Clay rapped it with his knuckles while walking through it. "Got a minute?" he said, knowing that Glenda hated sparing a minute with anyone on her staff. She did a passable job running the office, managing the caseloads, holding the budget together, and, most important, playing the politics at City Hall. But she did not like people. She preferred to do her work behind a locked door.

"Sure," she said abruptly, with no conviction whatsoever. It was clear she did not appreciate the intrusion, which was exactly the reception Clay had expected.

"I happened to be in the Criminal Division this morning at the wrong time, got nailed with a murder case, one I'd rather pass on. I just finished the Traxel case, which, as you know, lasted for almost three years. I need a break from murder. How about one of the younger guys?"

"You beggin' off, Mr. Carter?" she said, eyebrows arched.

"Absolutely. Load up the dope and burglaries for a few months. That's all I'm asking."

"And who do you suggest should handle the, uh, what's the case?"

"Tequila Watson."

"Tequila Watson. Who should get him, Mr. Carter?"

"I don't really care. I just need a break."

She leaned back in her chair, like some wise old chairman of the board, and began chewing on the end of a pen. "Don't we all, Mr. Carter? We'd all love a break, wouldn't we?"