

John Grisham

The Rainmaker

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To American trial lawyers

In writing this book, I was assisted at every turn by Will Denton, a prominent trial lawyer in Gulfport, Mississippi. For twenty-five years, Will has fought diligently for the rights of consumers and little people. His courtroom victories are legendary, and when I was a trial lawyer I wanted to be like Will Denton. He gave me his old files, answered my numerous questions, even proofread the manuscript.

Jimmie Harvey is a friend and a fine physician in Birmingham, Alabama. He carefully steered me through the impenetrable maze of medical procedures. Certain sections of this book are accurate and readable because of him.

Thanks.

THE RAINMAKER



Y DECISION to become a lawyer was irrevocably sealed when I realized my father hated the legal profession. I was a young teenager, clumsy, embarrassed by my awkwardness, frustrated with life, horrified of puberty, about to be shipped off to a military school by my father for insubordination. He was an ex-Marine who believed boys should live by the crack of the whip. I'd developed a quick tongue and an aversion to discipline, and his solution was simply to send me away. It was years before I forgave him.

He was also an industrial engineer who worked seventy hours a week for a company that made, among many other items, ladders. Because by their very nature ladders are dangerous devices, his company became a frequent target of lawsuits. And because he handled design, my father was the favorite choice to speak for the company in depositions and trials. I can't say that I blame him for hating lawyers, but I grew to admire them because they made his life so miserable. He'd spend eight hours haggling with them, then hit the martinis as soon as he walked in the door. No hellos. No hugs. No dinner. Just an hour or so of continuous bitching while he slugged down four martinis then passed out in his battered recliner. One trial lasted three weeks, and when it ended with a large verdict against the company my mother called a doctor and they hid him in a hospital for a month.

The company later went broke, and of course all blame was directed at the lawyers. Not once did I hear any talk that maybe a trace of mismanagement could in any way have contributed to the bankruptcy.

Liquor became his life, and he became depressed. He went years with-

out a steady job, which really ticked me off because I was forced to wait tables and deliver pizza so I could claw my way through college. I think I spoke to him twice during the four years of my undergraduate studies. The day after I learned I had been accepted to law school, I proudly returned home with this great news. Mother told me later he stayed in bed for a week.

Two weeks after my triumphant visit, he was changing a lightbulb in the utility room when (I swear this is true) a ladder collapsed and he fell on his head. He lasted a year in a coma in a nursing home before someone mercifully pulled the plug.

Several days after the funeral, I suggested the possibility of a lawsuit, but Mother was just not up to it. Also, I've always suspected he was partially inebriated when he fell. And he was earning nothing, so under our tort system his life had little economic value.

My mother received a grand total of fifty thousand dollars in life insurance, and remarried badly. He's a simple sort, my stepfather, a retired postal clerk from Toledo, and they spend most of their time square dancing and traveling in a Winnebago. I keep my distance. Mother didn't offer me a dime of the money, said it was all she had to face the future with, and since I'd proven rather adept at living on nothing, she felt I didn't need any of it. I had a bright future earning money; she did not, she reasoned. I'm certain Hank, the new husband, was filling her ear full of financial advice. Our paths will cross again one day, mine and Hank's.

I will finish law school in May, a month from now, then I'll sit for the bar exam in July. I will not graduate with honors, though I'm somewhere in the top half of my class. The only smart thing I've done in three years of law school was to schedule the required and difficult courses early, so I could goof off in this, my last semester. My classes this spring are a joke—Sports Law, Art Law, Selected Readings from the Napoleonic Code and, my favorite, Legal Problems of the Elderly.

It is this last selection that has me sitting here in a rickety chair behind a flimsy folding table in a hot, damp, metal building filled with an odd assortment of seniors, as they like to be called. A hand-painted sign above the only visible door majestically labels the place as the Cypress Gardens Senior Citizens Building, but other than its name the place has not the slightest hint of flowers or greenery. The walls are drab and bare except for an ancient, fading photograph of Ronald Reagan in one corner between two sad little flags—one, the Stars and Stripes, the other, the state flag of Tennessee. The building is small, somber and cheerless, obviously built at the last minute with a few spare dollars of

unexpected federal money. I doodle on a legal pad, afraid to look at the crowd inching forward in their folding chairs.

There must be fifty of them out there, an equal mixture of blacks and whites, average age of at least seventy-five, some blind, a dozen or so in wheelchairs, many wearing hearing aids. We were told they meet here each day at noon for a hot meal, a few songs, an occasional visit by a desperate political candidate. After a couple of hours of socializing, they will leave for home and count the hours until they can return here. Our professor said this was the highlight of their day.

We made the painful mistake of arriving in time for lunch. They sat the four of us in one corner along with our leader, Professor Smoot, and examined us closely as we picked at neoprene chicken and icy peas. My Jell-O was yellow, and this was noticed by a bearded old goat with the name Bosco scrawled on his Hello-My-Name-Is tag stuck above his dirty shirt pocket. Bosco mumbled something about yellow Jell-O, and I quickly offered it to him, along with my chicken, but Miss Birdie Birdsong corralled him and pushed him roughly back into his seat. Miss Birdsong is about eighty but very spry for her age, and she acts as mother, dictator and bouncer of this organization. She works the crowd like a veteran ward boss, hugging and patting, schmoozing with other little blue-haired ladies, laughing in a shrill voice and all the while keeping a wary eye on Bosco who undoubtedly is the bad boy of the bunch. She lectured him for admiring my Jell-O, but seconds later placed a full bowl of the yellow putty before his glowing eyes. He ate it with his stubby fingers.

An hour passed. Lunch proceeded as if these starving souls were feasting on seven courses with no hope of another meal. Their wobbly forks and spoons moved back and forth, up and down, in and out, as if laden with precious metals. Time was of absolutely no consequence. They yelled at each other when words stirred them. They dropped food on the floor until I couldn't bear to watch anymore. I even ate my Jell-O. Bosco, still covetous, watched my every move. Miss Birdie fluttered around the room, chirping about this and that.

Professor Smoot, an oafish egghead complete with crooked bow tie, bushy hair and red suspenders, sat with the stuffed satisfaction of a man who'd just finished a fine meal, and lovingly admired the scene before us. He's a kindly soul, in his early fifties, but with mannerisms much like Bosco and his friends, and for twenty years he's taught the kindly courses no one else wants to teach and few students want to take. Children's Rights, Law of the Disabled, Seminar on Domestic Violence, Problems of the Mentally Ill and, of course, Geezer Law, as this one is called outside

his presence. He once scheduled a course to be called Rights of the Unborn Fetus, but it attracted a storm of controversy so Professor Smoot took a quick sabbatical.

He explained to us on the first day of class that the purpose of the course was to expose us to real people with real legal problems. It's his opinion that all students enter law school with a certain amount of idealism and desire to serve the public, but after three years of brutal competition we care for nothing but the right job with the right firm where we can make partner in seven years and earn big bucks. He's right about this.

The class is not a required one, and we started with eleven students. After a month of Smoot's boring lectures and constant exhortations to forsake money and work for free, we'd been whittled down to four. It's a worthless course, counts for only two hours, requires almost no work, and this is what attracted me to it. But, if there were more than a month left, I seriously doubt I could tough it out. At this point, I hate law school. And I have grave concerns about the practice of law.

This is my first confrontation with actual clients, and I'm terrified. Though the prospects sitting out there are aged and infirm, they are staring at me as if I possess great wisdom. I am, after all, almost a lawyer, and I wear a dark suit, and I have this legal pad in front of me on which I'm drawing squares and circles, and my face is fixed in an intelligent frown, so I must be capable of helping them. Seated next to me at our folding table is Booker Kane, a black guy who's my best friend in law school. He's as scared as I am. Before us on folded index cards are our written names in black felt-Booker Kane and Rudy Baylor. That's me. Next to Booker is the podium behind which Miss Birdie is screeching, and on the other side is another table with matching index cards proclaiming the presence of F. Franklin Donaldson the Fourth, a pompous ass who for three years now has been sticking initials and numerals before and after his name. Next to him is a real bitch, N. Elizabeth Erickson, quite a gal, who wears pinstripe suits, silk ties and an enormous chip on her shoulder. Many of us suspect she also wears a jockstrap.

Smoot is standing against the wall behind us. Miss Birdie is doing the announcements, hospital reports and obituaries. She's yelling into a microphone with a sound system that's working remarkably well. Four large speakers hang in the corners of the room, and her piercing voice booms around and crashes in from all directions. Hearing aids are slapped and taken out. For the moment, no one is asleep. Today there are three obituaries, and when Miss Birdie finally finishes I see a few tears in the audience. God, please don't let this happen to me. Please give me

fifty more years of work and fun, then an instant death while I'm sleeping.

To our left against a wall, the pianist comes to life and smacks sheets of music on the wooden grill in front of her. Miss Birdie fancies herself as some kind of political analyst, and just as she starts railing against a proposed increase in the sales tax, the pianist attacks the keys. "America the Beautiful," I think. With pure relish, she storms through a clanging rendition of the opening refrain, and the geezers grab their hymnals and wait for the first verse. Miss Birdie does not miss a beat. Now she's the choir director. She raises her hands, then claps them to get attention, then starts flopping them all over the place with the opening note of verse one. Those who are able slowly get to their feet.

The howling fades dramatically with the second verse. The words are not as familiar and most of these poor souls can't see past their noses, so the hymnals are useless. Bosco's mouth is suddenly closed but he's humming loudly at the ceiling.

The piano stops abruptly as the sheets fall from the grill and scatter onto the floor. End of song. They stare at the pianist who, bless her heart, is snatching at the air and fumbling around her feet where the music has gathered.

"Thank you!" Miss Birdie yells into the microphone as they suddenly fall back into their seats. "Thank you. Music is a wonderful thang. Let's give thanks to God for beautiful music."

"Amen!" Bosco roars.

"Amen," another relic repeats with a nod from the back row.

"Thank you," Miss Birdie says. She turns and smiles at Booker and me. We both lean forward on our elbows and once again look at the crowd. "Now," she says dramatically, "for the program today, we are so pleased to have Professor Smoot here again with some of his very bright and handsome students." She flops her baggy hands at us and smiles with her gray and yellow teeth at Smoot who has quietly made his way to her side. "Aren't they handsome?" she asks, waving at us. "As you know," Miss Birdie proceeds into the microphone, "Professor Smoot teaches law at Memphis State, that's where my youngest son studied, you know, but didn't graduate, and every year Professor Smoot visits us here with some of his students who'll listen to your legal problems and give advice that's always good, and always free, I might add." She turns and lays another sappy smile upon Smoot. "Professor Smoot, on behalf of our group, we say welcome back to Cypress Gardens. We thank you for your concern about the problems of senior citizens. Thank you. We love you."

She backs away from the podium and starts clapping her hands furi-

ously and nodding eagerly at her comrades to do the same, but not a soul, not even Bosco, lifts a hand.

"He's a hit," Booker mumbles.

"At least he's loved," I mumble back. They've been sitting here now for ten minutes. It's just after lunch, and I notice a few heavy eyelids. They'll be snoring by the time Smoot finishes.

He steps to the podium, adjusts the mike, clears his throat and waits for Miss Birdie to take her seat on the front row. As she sits, she whispers angrily to a pale gentleman next to her, "You should've clapped!" He does not hear this.

"Thank you, Miss Birdie," Smoot squeaks. "Always nice to visit here at Cypress Gardens." His voice is sincere, and there's no doubt in my mind that Professor Howard L. Smoot indeed feels privileged to be here at this moment, in the center of this depressing building, before this sad little group of old folks, with the only four students who happen to remain in his class. Smoot lives for this.

He introduces us. I stand quickly with a short smile, then return to my seat and once again fix my face in an intelligent frown. Smoot talks about health care, and budget cuts, and living wills, and sales tax exemptions, and abused geezers, and co-insurance payments. They're dropping like flies out there. Social Security loopholes, pending legislation, nursing home regulations, estate planning, wonder drugs, he rambles on and on, just as he does in class. I yawn and feel drowsy myself. Bosco starts glancing at his watch every ten seconds.

Finally, Smoot gets to the wrap-up, thanks Miss Birdie and her crowd once again, promises to return year after year and takes a seat at the end of the table. Miss Birdie pats her hands together exactly twice, then gives up. No one else moves. Half of them are snoring.

Miss Birdie waves her arms at us, and says to her flock, "There they are. They're good and they're free."

Slowly and awkwardly, they advance upon us. Bosco is first in line, and it's obvious he's holding a grudge over the Jell-O because he glares at me and goes to the other end of the table and sits in a chair before the Honorable N. Elizabeth Erickson. Something tells me he will not be the last prospective client to go elsewhere for legal advice. An elderly black man selects Booker for his lawyer and they huddle across the table. I try not to listen. Something about an ex-wife and a divorce years ago that may or may not have been officially completed. Booker takes notes like a real lawyer and listens intently as if he knows exactly what to do.

At least Booker has a client. For a full five minutes I feel utterly stupid sitting alone as my three classmates whisper and scribble and listen

compassionately and shake their heads at the problems unfolding before them.

My solitude does not go unnoticed. Finally, Miss Birdie Birdsong reaches into her purse, extracts an envelope and prances to my end of the table. "You're the one I really wanted," she whispers as she pulls her chair close to the corner of the table. She leans forward, and I lean to my left, and at this precise moment as our heads come within inches of touching, I enter into my first conference as a legal counselor. Booker glances at me with a wicked smile.

My first conference. Last summer I clerked for a small firm downtown, twelve lawyers, and their work was strictly hourly. No contingency fees. I learned the art of billing, the first rule of which is that a lawyer spends much of his waking hours in conferences. Client conferences, phone conferences, conferences with opposing lawyers and judges and partners and insurance adjusters and clerks and paralegals, conferences over lunch, conferences at the courthouse, conference calls, settlement conferences, pretrial conferences, post-trial conferences. Name the activity, and lawyers can fabricate a conference around it.

Miss Birdie cuts her eyes about, and this is my signal to keep both my head and voice low because whatever it is she wants to confer over is serious as hell. And this suits me just fine, because I don't want a soul to hear the lame and naive advice I am destined to provide in response to her forthcoming problem.

"Read this," she says, and I take the envelope and open it. Hallelujah! It's a will! The Last Will and Testament of Colleen Janiece Barrow Birdsong. Smoot told us that more than half of these clients would want us to review and maybe update their wills, and this is fine with us because we were required last year to take a full course called Wills and Estates and we feel somewhat proficient in spotting problems. Wills are fairly simple documents, and can be prepared without defect by the greenest of lawyers.

This one's typed and official in appearance, and as I scan it I learn from the first two paragraphs that Miss Birdie is a widow and has two children and a full complement of grandchildren. The third paragraph stops me cold, and I glance at her as I read it. Then I read it again. She's smiling smugly. The language directs her executor to give unto each of her children the sum of two million dollars, with a million in trust for each of her grandchildren. I count, slowly, eight grandchildren. That's at least twelve million dollars.

"Keep reading," she whispers as if she can actually hear the calculator rattling in my brain. Booker's client, the old black man, is crying now,

and it has something to do with a romance gone bad years ago and children who've neglected him. I try not to listen, but it's impossible. Booker is scribbling with a fury and trying to ignore the tears. Bosco laughs loudly at the other end of the table.

Paragraph five of the will leaves three million dollars to a church and two million to a college. Then there's a list of charities, beginning with the Diabetes Association and ending with the Memphis Zoo, and beside each is a sum of money the least of which is fifty thousand dollars. I keep frowning, do a little quick math and determine that Miss Birdie has a net worth of at least twenty million.

Suddenly, there are many problems with this will. First, and foremost, it's not nearly as thick as it should be. Miss Birdie is rich, and rich people do not use thin, simple wills. They use thick, dense wills with trusts and trustees and generation-skipping transfers and all sorts of gadgets and devices designed and implemented by expensive tax lawyers in big firms.

"Who prepared this?" I ask. The envelope is blank and there's no indication of who drafted the will.

"My former lawyer, dead now."

It's a good thing he's dead. He committed malpractice when he prepared this one.

So, this pretty little lady with the gray and yellow teeth and rather melodious voice is worth twenty million dollars. And, evidently, she has no lawyer. I glance at her, then return to the will. She doesn't dress rich, doesn't wear diamonds or gold, spends neither time nor money on her hair. The dress is cotton drip-dry and the burgundy blazer is worn and could've come from Sears. I've seen a few rich old ladies in my time, and they're normally fairly easy to spot.

The will is almost two years old. "When did your lawyer die?" I ask ever so sweetly now. Our heads are still huddled low and our noses are just inches apart.

"Last year. Cancer."

"And you don't have a lawyer now?"

"I wouldn't be here talking to you if I had a lawyer, now would I, Rudy? There's nothing complicated about a will, so I figured you could handle it."

Greed is a funny thing. I have a job starting July 1 with Brodnax and Speer, a stuffy little sweatshop of a firm with fifteen lawyers who do little else but represent insurance companies in litigation. It was not the job I wanted, but as things developed Brodnax and Speer extended an offer of

employment when all others failed to do so. I figure I'll put in a few years, learn the ropes and move on to something better.

Wouldn't those fellows at Brodnax and Speer be impressed if I walked in the first day and brought with me a client worth at least twenty million? I'd be an instant rainmaker, a bright young star with a golden touch. I might even ask for a larger office.

"Of course I can handle it," I say lamely. "It's just that, you know, there's a lot of money here, and I—"

"Shhhhhh," she hisses fiercely as she leans even closer. "Don't mention the money." Her eyes dart in all directions as if thieves are lurking behind her. "I just refuse to talk about it," she insists.

"Okay. Fine with me. But I think that maybe you should consider talking to a tax lawyer about this."

"That's what my old lawyer said, but I don't want to. A lawyer is a lawyer as far as I'm concerned, and a will is a will."

"True, but you could save a ton of money in taxes if you plan your estate."

She shakes her head as if I'm a complete idiot. "I won't save a dime." "Well, excuse me, but I think that maybe you can."

She places a brown-spotted hand on my wrist, and whispers, "Rudy, let me explain. Taxes mean nothing to me, because, you see, I'll be dead. Right?"

"Uh, right, I guess. But what about your heirs?"

"That's why I'm here. I'm mad at my heirs, and I want to cut 'em out of my will. Both of my children, and some of the grandchildren. Cut, cut, cut. They get nothing, you understand. Zero. Not a penny, not a stick of furniture. Nothing."

Her eyes are suddenly hard and the rows of wrinkles are pinched tightly around her mouth. She squeezes my wrist but doesn't realize it. For a second, Miss Birdie is not only angry but hurt.

At the other end of the table, an argument erupts between Bosco and N. Elizabeth Erickson. He's loud and railing against Medicaid and Medicare and Republicans in general, and she's pointing to a sheet of paper and attempting to explain why certain doctor bills are not covered. Smoot slowly gets to his feet and walks to the end of the table to inquire if he might be of assistance.

Booker's client is trying desperately to regain his composure, but the tears are dropping from his cheeks and Booker is becoming unnerved. He's assuring the old gentleman that, yes indeed, he, Booker Kane, will check into the matter and make things right. The air conditioner kicks in and drowns out some of the chatter. The plates and cups have been

cleared from the tables, and all sorts of games are in progress—Chinese checkers, Rook, bridge and a Milton Bradley board game with dice. Fortunately, the majority of these people have come for lunch and socializing, not for legal advice.

"Why do you want to cut them out?" I ask.

She releases my wrist and rubs her eyes. "Well, it's very personal, and I really don't want to go into it."

"Fair enough. Who gets the money?" I ask, and I'm suddenly intoxicated by the power just bestowed upon me to draft the magic words that will make millionaires out of ordinary people. My smile to her is so warm and so fake I hope she is not offended.

"I'm not sure," she says wistfully and glances about as if this is a game. "I'm just not sure who to give it to."

Well, how about a million for me? Texaco will sue me any day now for four hundred dollars. We've broken off negotiations and I've heard from their attorney. My landlord is threatening eviction because I haven't paid rent in two months. And I'm sitting here chatting with the richest person I've ever met, a person who probably can't live much longer and is pondering rather delightfully who should get how much.

She hands me a piece of paper with four names printed neatly in a narrow column, and says, "These are the grandchildren I want to protect, the ones who still love me." She cups her hand over her mouth and moves toward my ear. "Give each one a million dollars."

My hand shakes as I scrawl on my pad. Wham! Just like that, I've created four millionaires. "What about the rest?" I ask in a low whisper.

She jerks backward, sits erectly and says, "Not a dime. They don't call me, never send gifts or cards. Cut 'em out."

If I had a grandmother worth twenty million dollars I'd send flowers once a week, cards every other day, chocolates whenever it rained and champagne whenever it didn't. I'd call her once in the morning and twice before bedtime. I'd take her to church every Sunday and sit with her, hand in hand, during the service, then off to brunch we'd go and then to an auction or a play or an art show or wherever in the hell Granny wanted to go. I'd take care of my grandmother.

And I was thinking of doing the same for Miss Birdie.

"Okay," I say solemnly as if I've done this many times. "And nothing for your two children?"

"That's what I said. Absolutely nothing."

"What, may I ask, have they done to you?"

She exhales heavily as if frustrated by this, and she rolls her eyes around as if she hates to tell me, but then she lurches forward on both

elbows to tell me anyway. "Well," she whispers, "Randolph, the oldest, he's almost sixty, just married for the third time to a little tramp who's always asking about the money. Whatever I leave to him she'll end up with, and I'd rather give it to you, Rudy, than to my own son. Or to Professor Smoot, or to anyone but Randolph. Know what I mean?"

My heart stops. Inches, just inches, from striking paydirt with my first client. To hell with Brodnax and Speer and all those conferences awaiting me.

"You can't leave it to me, Miss Birdie," I say and offer her my sweetest smile. My eyes, and probably my lips and mouth and nose as well, beg for her to say Yes! Dammit! It's my money and I'll leave it to whomever I want, and if I want you, Rudy, to have it, then dammit! It's yours!

Instead, she says, "Everything else goes to the Reverend Kenneth Chandler. Do you know him? He's on television all the time now, out of Dallas, and he's doing all sorts of wonderful things around the world with our donations, building homes, feeding babies, teaching from the Bible. I want him to have it."

"A television evangelist?"

"Oh, he's much more than an evangelist. He's a teacher and statesman and counselor, eats dinner with heads of state, you know, plus he's cute as a bug. Got this head full of curly gray hair, premature, but he wouldn't dare touch it up, you know."

"Of course not. But-"

"He called me the other night. Can you believe it? That voice on television is as smooth as silk, but over the phone it's downright seductive. Know what I mean?"

"Yes, I think I do. Why did he call you?"

"Well, last month, when I sent my pledge for March, I wrote him a short note, said I was thinking of redoing my will now that my kids have abandoned me and all, and that I was thinking of leaving some money for his ministries. Not three days later he called, just full of himself, so cute and vibrant on the phone, and wanted to know how much I might be thinking of leaving him and his ministries. I shot him a ballpark figure, and he's been calling ever since. Said he would even fly out in his own Learjet to meet me if I so desired."

I struggle for words. Smoot has Bosco by the arm and is attempting to pacify him and sit him once again before N. Elizabeth Erickson who at the moment has lost the chip on her shoulder and is obviously embarrassed by her first client and ready to crawl under the table. She cuts her eyes around, and I flash her a quick grin so she knows I'm watching. Next to her, F. Franklin Donaldson the Fourth is locked in a deep