

ONE

The face of Nicholas Easter was slightly hidden by a display rack filled with slim cordless phones, and he was looking not directly at the hidden camera but somewhere off to the left, perhaps at a customer, or perhaps at a counter where a group of kids hovered over the latest electronic games from Asia. Though taken from a distance of forty yards by a man dodging rather heavy mall foot traffic, the photo was clear and revealed a nice face, clean-shaven with strong features and boyish good looks. Easter was twenty-seven, they knew that for a fact. No eyeglasses. No nose ring or weird haircut. Nothing to indicate he was one of the usual computer nerds who worked in the store at five bucks an hour. His questionnaire said he'd been there for four months, said also that he was a part-time student, though no record of enrollment had been found at any college within three hundred miles. He was lying about this, they were certain.

He had to be lying. Their intelligence was too good. If the kid was a student, they'd know where, for how long, what field of study, how good were the grades, or how bad. They'd know. He was a clerk in a Computer Hut in a mall. Nothing more or less. Maybe he planned to enroll somewhere. Maybe he'd dropped out but still liked the notion of referring to himself as a part-time student. Maybe it made him feel better, gave him a sense of purpose, sounded good.

But he was not, at this moment nor at any time in the recent past, a student of any sort. So, could he be trusted? This had been thrashed about the room twice already, each time they came to Easter's name on the master list and his face hit the screen. It was a harmless lie, they'd almost decided.

He didn't smoke. The store had a strict nonsmoking rule, but he'd been seen (not photographed) eating a taco in the Food Garden with a co-worker who smoked two cigarettes with her lemonade. Easter didn't seem to mind the smoke. At least he wasn't an antismoking zealot.

The face in the photo was lean and tanned and smiling slightly with lips closed. The white shirt under the red store jacket had a buttonless collar and a tasteful striped tie. He appeared neat, in shape, and the man who took the photo actually spoke with Nicholas as he pretended to shop for an obsolete gadget; said he was articulate, helpful, knowledgeable, a nice young man. His name badge labeled Easter as a Co-Manager, but two others with the same title were spotted in the store at the same time.

The day after the photo was taken, an attractive young female in jeans entered the store, and while browsing near the software actually lit up a cigarette. Nicholas Easter just happened to be the nearest clerk, or Co-Manager, or whatever he was, and he politely approached the woman and asked her to stop smoking. She pretended to be frustrated by this, even insulted, and tried to provoke him. He maintained his tactful manner, explained to her that the store had a strict no-smoking policy. She was welcome to smoke elsewhere. 'Does smoking bother you?' she had asked, taking a puff. 'Not really,' he had answered. 'But it bothers the man who owns this store.' He then asked her once again to stop. She really wanted to purchase a new digital radio, she explained, so would it be possible for him to

fetch an ashtray. Nicholas pulled an empty soft drink can from under the counter, and actually took the cigarette from her and extinguished it. They talked about radios for twenty minutes as she struggled with the selection. She flirted shamelessly, and he warmed to the occasion. After paying for the radio, she left him her phone number. He promised to call.

The episode lasted twenty-four minutes and was captured by a small recorder hidden in her purse. The tape had been played both times while his face had been projected on the wall and studied by the lawyers and their experts. Her written report of the incident was in the file, six typed pages of her observations on everything from his shoes (old Nikes) to his breath (cinnamon gum) to his vocabulary (college level) to the way he handled the cigarette. In her opinion, and she was experienced in such matters, he had never smoked.

They listened to his pleasant tone and his professional sales pitch and his charming chatter, and they liked him. He was bright and he didn't hate tobacco. He didn't fit as their model juror, but he was certainly one to watch. The problem with Easter, potential juror number fifty-six, was that they knew so little about him. Evidently, he had landed on the Gulf Coast less than a year ago, and they had no idea where he came from. His past was a complete mystery. He rented a one-bedroom eight blocks from the Biloxi courthouse – they had photos of the apartment building – and at first worked as a waiter in a casino on the beach. He rose quickly to the rank of blackjack dealer, but quit after two months.

Shortly after Mississippi legalized gambling, a dozen casinos along the Coast sprang forth overnight, and a new wave of prosperity hit hard. Job seekers came from all directions, and so it was safe to assume Nicholas Easter arrived in Biloxi for the same reason as ten

thousand others. The only odd thing about his move was that he had registered to vote so quickly.

He drove a 1969 Volkswagen Beetle, and a photo of it was flashed on the wall, taking the place of his face. Big deal. He was twenty-seven, single, an alleged part-time student – the perfect type to drive such a car. No bumper stickers. Nothing to indicate political affiliation or social conscience or favorite team. No college parking sticker. Not even a faded dealer decal. The car meant nothing, as far as they were concerned. Nothing but near-poverty.

The man operating the projector and doing most of the talking was Carl Nussman, a lawyer from Chicago who no longer practiced law but instead ran his own jury consulting firm. For a small fortune, Carl Nussman and his firm could pick you the right jury. They gathered the data, took the photos, recorded the voices, sent the blondes in tight jeans into the right situations. Carl and his associates flirted around the edges of laws and ethics, but it was impossible to catch them. After all, there's nothing illegal or unethical about photographing prospective jurors. They had conducted exhaustive telephone surveys in Harrison County six months ago, then again two months ago, then a month later to gauge community sentiment about tobacco issues and formulate models of the perfect jurors. They left no photo untaken, no dirt ungathered. They had a file on every prospective juror.

Carl pushed his button and the VW was replaced with a meaningless shot of an apartment building with peeling paint; home, somewhere in there, of Nicholas Easter. Then a flick, and back to the face.

'And so we have only the three photos of number fifty-six,' Carl said with a note of frustration as he turned and glared at the photographer, one of his countless private snoops, who had explained he just couldn't catch the kid without getting caught himself.

The photographer sat in a chair against the back wall, facing the long table of lawyers and paralegals and jury experts. The photographer was quite bored and ready to bolt. It was seven o'clock on a Friday night. Number fifty-six was on the wall, leaving a hundred and forty still to come. The weekend would be awful. He needed a drink.

A half-dozen lawyers in rumpled shirts and rolled-up sleeves scribbled never-ending notes, and glanced occasionally at the face of Nicholas Easter up there behind Carl. Jury experts of almost every variety – psychiatrist, sociologist, handwriting analyst, law professor, and so on – shuffled papers and thumped the inch-thick computer printouts. They weren't sure what to do with Easter. He was a liar, and he was hiding his past, but still on paper and on the wall he looked okay.

Maybe he wasn't lying. Maybe he was a student last year in some low-rent junior college in eastern Arizona, and maybe they were simply missing this.

Give the kid a break, the photographer thought, but he kept it to himself. In this room of well-educated and well-paid suits, he was the last one whose opinion would be appreciated. Wasn't his job to say a word.

Carl cleared his throat while glancing once more at the photographer, then said, 'Number fifty-seven.' The sweaty face of a young mother flashed on the wall, and at least two people in the room managed a chuckle. 'Traci Wilkes,' Carl said, as if Traci was now an old friend. Papers moved slightly around the table.

'Age thirty-three, married, mother of two, doctor's wife, two country clubs, two health clubs, a whole list of social clubs.' Carl clicked off these items from memory while twirling his projector button. Traci's red face was replaced by a shot of her jogging along a sidewalk, splendidly awash in pink and black spandex and spotless Reeboks with a white sun visor sitting just above the latest in reflective sport sunglasses, her long hair in a

cute perfect ponytail. She was pushing a jogging carriage with a small baby in it. Traci lived for sweat. She was tanned and fit, but not exactly as thin as might be expected. She had a few bad habits. Another shot of Traci in her black Mercedes wagon with kids and dogs looking from every window. Another of Traci loading bags of groceries into the same car, Traci with different sneakers and tight shorts and the precise appearance of one who aspired to look forever athletic. She'd been easy to follow because she was busy to the point of being frazzled, and she never stopped long enough to look around.

Carl ran through the photos of the Wilkeses' home, a massive suburban trilevel with Doctor stamped all over it. He spent little time with these, saving the best for last. Then there was Traci, once again soaked with sweat, her designer bike nearby on the grass, sitting under a tree in a park, far away from everyone, half-hidden and – smoking a cigarette!

The same photographer grinned stupidly. It was his finest work, this hundred-yard shot of the doctor's wife sneaking a cigarette. He had had no idea she smoked, just happened to be nonchalantly smoking himself near a footbridge when she dashed by. He loitered about the park for half an hour until he saw her stop and reach into the pouch on her bike.

The mood around the room lightened for a fleeting moment as they looked at Traci by the tree. Then Carl said, 'Safe to say that we'll take number fifty-seven.' He made a notation on a sheet of paper, then took a sip of old coffee from a paper cup. Of course he'd take Traci Wilkes! Who wouldn't want a doctor's wife on the jury when the plaintiff's lawyers were asking for millions? Carl wanted nothing but doctors' wives, but he wouldn't get them. The fact that she enjoyed cigarettes was simply a small bonus.

Number fifty-eight was a shipyard worker at Ingalls

in Pascagoula – fifty years old, white male, divorced, a union officer. Carl flashed a photo of the man's Ford pickup on the wall, and was about to summarize his life when the door opened and Mr. Rankin Fitch stepped into the room. Carl stopped. The lawyers bolted upright in their seats and instantly became enthralled by the Ford. They wrote furiously on their legal pads as if they might never again see such a vehicle. The jury consultants likewise snapped into action and all began taking notes in earnest, each careful not to look at the man.

Fitch was back. Fitch was in the room.

He slowly closed the door behind him, took a few steps toward the edge of the table, and glared at everyone sitting around it. It was more of a snarl than a glare. The puffy flesh around his dark eyes pinched inward. The deep wrinkles running the length of his forehead closed together. His thick chest rose and sank slowly, and for a second or two Fitch was the only person breathing. His lips parted to eat and drink, occasionally to talk, never to smile.

Fitch was angry, as usual, nothing new about that because the man even slept in a state of hostility. But would he curse and threaten, maybe throw things, or simply boil under the surface? They never knew with Fitch. He stopped at the edge of the table between two young lawyers who were junior partners and thus earning comfortable six-figure salaries, who were members of this firm and this was their room in their building. Fitch, on the other hand, was a stranger from Washington, an intruder who'd been growling and barking in their hallways for a month now. The two young lawyers dared not look at him.

'What number?' Fitch asked of Carl.

'Fifty-eight,' Carl answered quickly, anxious to please.

'Go back to fifty-six,' Fitch demanded, and Carl

flicked rapidly until the face of Nicholas Easter was once again on the wall. Paperwork ruffled around the table.

‘What do you know?’ Fitch asked.

‘The same,’ Carl said, looking away.

‘That’s just great. Out of a hundred and ninety-six, how many are still mysteries?’

‘Eight.’

Fitch snorted and shook his head slowly, and everyone waited for an eruption. Instead, he slowly stroked his meticulously trimmed black and gray goatee for a few seconds, looked at Carl, allowed the severity of the moment to filter in, then said, ‘You’ll work until midnight, then return at seven in the morning. Same for Sunday.’ With that, he wheeled his pudgy body around and left the room.

The door slammed. The air lightened considerably, then, in unison, the lawyers and the jury consultants and Carl and everybody else glanced at their watches. They had just been ordered to spend thirty-nine out of the next fifty-three hours in this room, looking at enlarged photos of faces they’d already seen, memorizing names and birthdates and vital stats of almost two hundred people.

And there wasn’t the slightest doubt anywhere in the room that they all would do exactly what they’d been told. Not the slightest.

Fitch took the stairs to the first floor of the building, and was met there by his driver, a large man named José. José wore a black suit with black western boots and black sunglasses that were removed only when he showered and slept. Fitch opened a door without knocking, and interrupted a meeting which had been in progress for hours. Four lawyers and their assorted support staff were watching the videotaped depositions of the plaintiffs first witnesses. The tape stopped just

seconds after Fitch burst in. He spoke briefly to one of the lawyers, then left the room. José followed him through a narrow library to another hallway, where he barged through another door and frightened another bunch of lawyers.

With eighty lawyers, the firm of Whitney & Cable & White was the largest on the Gulf Coast. The firm had been handpicked by Fitch himself, and it would earn millions in fees because of this selection. To earn the money, though, the firm had to endure the tyranny and ruthlessness of Rankin Fitch.

When satisfied that the entire building was aware of his presence and terrified of his movements, Fitch left. He stood on the sidewalk, in the warm October air, and waited for José. Three blocks away, in the top half of an old bank building, he could see an office suite filled with lights. The enemy was still working. The plaintiff's lawyers were up there, all huddled together in various rooms, meeting with experts and looking at grainy photos and doing pretty much the same things his people were doing. The trial started Monday with jury selection, and he knew they too were sweating over names and faces and wondering who the hell was Nicholas Easter and where did he come from. And Ramon Caro and Lucas Miller and Andrew Lamb and Barbara Furrow and Delores DeBoe? Who were these people? Only in a backwater place like Mississippi would you find such outdated lists of prospective jurors. Fitch had directed the defense in eight cases before this one, in eight different states where computers were used and rolls were purged and where, when the clerks handed you your list of jurors, you didn't have to worry about who was dead and who wasn't.

He stared blankly at the distant lights and wondered how the greedy sharks would split the money, if they happened to win. How in the world could they ever agree to divide the bloody carcass? The trial would be a

gentle skirmish compared to the throat-cutting that would ensue if they got their verdict, and their spoils.

He hated them, and he spat on the sidewalk. He lit a cigarette, squeezing it tightly between his thick fingers.

José pulled to the curb in a shiny, rented Suburban with dark windows. Fitch took his customary place in the front seat. José too looked up at the enemy lawyers' office as they drove past, but he said nothing because his boss did not suffer small talk. They drove past the Biloxi courthouse, and past a semi-abandoned dime store where Fitch and associates maintained a hidden suite of offices with fresh plywood dust on the floor and cheap rented furniture.

They turned west on Highway 90 at the beach and limped through heavy traffic. It was Friday night, and the casinos were packed with people gambling away grocery money with big plans to win it back tomorrow. They slowly made it out of Biloxi, through Gulfport, Long Beach, and Pass Christian. Then they left the coastline, and were soon passing through a security checkpoint near a lagoon.

TWO

The beach house was modern and sprawling and built without the benefit of a beach. A white-board pier disappeared into the still and weedy waters of the bay, but the nearest sand was two miles away. A twenty-foot fishing boat was moored at the pier. The house had been leased from an oil man in New Orleans – three months, cash, no questions. It was being temporarily used as a retreat, a hiding place, a sleep-over for some very important people.

On a deck high above the water, four gentlemen enjoyed drinks and managed small talk while waiting for a visitor. Though their businesses normally required them to be bitter enemies, they had played eighteen holes of golf this afternoon, then eaten shrimp and oysters off the grill. Now they drank and looked into the black waters below them. They loathed the fact that they were on the Gulf Coast, on Friday night, far away from their homes.

But business was at hand, crucial affairs that necessitated a truce and made the golf almost pleasant. Each of the four was the CEO of a large public corporation. Each corporation was in the Fortune 500, each was traded on the NYSE. The smallest had sales last year of six hundred million, the largest, four billion. Each had record profits, large dividends, happy stockholders, and CEO's who earned millions for their performances.

Each was a conglomerate of sorts with different divisions and a multitude of products, fat ad budgets, and insipid names such as Trelco and Smith Greer, names designed to deflect attention from the fact that at the core they were little more than tobacco companies. Each of the four, the Big Four as they were known in financial circles, could easily trace its roots to nineteenth-century tobacco brokers in the Carolinas and Virginia. They manufactured cigarettes – together, ninety-eight percent of all cigarettes sold in the United States and Canada. They also manufactured such things as crowbars and corn chips and hair dye, but dig just below the surface and you'd find that their profits came from cigarettes. There had been mergers and name changes and various efforts at preening for the public, but the Big Four had been thoroughly isolated and vilified by consumer groups, doctors, even politicians.

And now the lawyers were after them. The survivors of dead people out there were actually suing and asking for huge sums of money because cigarettes cause lung cancer, they claimed. Sixteen trials so far, and Big Tobacco had won them all, but the pressure was mounting. And the first time a jury handed out a few million to a widow, then all hell would break loose. The trial lawyers would go berserk with their nonstop advertising, begging smokers and the survivors of smokers to sign up now and sue while the suing was good.

As a rule, the men talked of other matters when they were alone, but the liquor loosened their tongues. The bitterness began to ooze forth. They leaned on the railing of the deck, stared at the water, and began to curse lawyers and the American tort system. Each of their companies spent millions in Washington on various groups trying to reform tort laws so that responsible companies like themselves could be protected from litigation. They needed a shield from

such senseless attacks by alleged victims. But, it seemed, nothing was working. Here they were somewhere in the backwaters of Mississippi sweating out yet another trial.

In response to the growing assault from the courts, the Big Four had created a pool of money known simply as The Fund. It had no limits, left no trail. It did not exist. The Fund was used for hardball tactics in lawsuits; to hire the best and meanest defense lawyers, the smoothest experts, the most sophisticated jury consultants. No restrictions were placed on what The Fund could do. After sixteen victories, they sometimes asked, among themselves, if there was anything The Fund couldn't do. Each company siphoned off three million a year and routed the cash circuitously until it landed in The Fund. No bean counter, no auditor, no regulator had ever caught wind of the slush money.

The Fund was administered by Rankin Fitch, a man they collectively despised but nonetheless listened to and even obeyed when necessary. And they waited for him. They gathered when he said to gather. They dispersed and returned at his command. They tolerated being at his beck and call as long as he was winning. Fitch had directed eight trials without a loss. He'd also engineered two mistrials, but of course there was no proof of this.

An assistant stepped onto the deck with a tray of fresh drinks, each mixed to exact specifications. The drinks were being lifted from the tray when someone said, 'Fitch is here.' In unison the drinks shot upward then downward as the four knocked back a stiff belt.

They quickly stepped into the den while Fitch was parking José just outside the front door. An assistant handed him a mineral water, no ice. He never drank, though in an earlier life he'd consumed enough to float a barge. He didn't say thanks to the assistant, didn't acknowledge his presence, but moved to the faux

fireplace and waited for the four to gather around him on the sofas. Another assistant ventured forth with a platter of leftover shrimp and oysters, but Fitch waved him off. There was a rumor that he sometimes ate, but he'd never been caught in the process. The evidence was there, the thick chest and ample waistline, the fleshy roll under his goatee, the general squattiness of his frame. But he wore dark suits and kept the jackets buttoned, and did a fine job of carrying his bulk with importance.

'A brief update,' he said when he felt he'd waited long enough for the honchos to settle in. 'At this moment, the entire defense team is working nonstop, and this will continue through the weekend. Jury research is on schedule. Trial counsel are ready. All witnesses are prepped, all experts are already in town. Nothing unusual has yet to be encountered.'

There was a pause, just a little gap as they waited long enough to make sure Fitch had finished for a bit.

'What about those jurors?' asked D. Martin Jankle, the most nervous of the bunch. He ran U-Tab, as it was formerly known, an abbreviation for an old company which for years was called Union Tobacco but after a marketing cleansing was now traded as Pynex. The lawsuit at hand was *Wood v. Pynex*, so the roulette wheel had placed Jankle on the hot seat. Pynex was number three in size with sales of almost two billion last year. It also happened to possess, as of the last quarter, the largest cash reserves of any of the four. The timing of this trial was lousy. With a bit of bad luck, the jury might soon be shown blowups of Pynex' financials, nice neat columns which would indicate in excess of eight hundred million in cash.

'We're working on them,' Fitch said. 'We have soft data on eight. Four of whom might either be dead or gone. The other four are alive and expected to be in court Monday.'

‘One rogue juror can be poison,’ Jankle said. He’d been a corporate lawyer in Louisville before joining U-Tab, and he always insisted on reminding Fitch that he knew more about the law than the other three.

‘I’m well aware of that,’ Fitch snapped.

‘We have to know these people.’

‘We’re doing our best. We can’t help it if the jury lists here are not as current as other states’.

Jankle took a long drink and stared at Fitch. Fitch, after all, was a well-paid security thug, nothing remotely near the level of CEO of a major company. Call him whatever you want – consultant, agent, contractor – fact was, he worked for them. Sure he had some clout right now, liked to swagger and bark because he was pushing the buttons, but dammit he was just a glorified thug. These thoughts Jankle kept to himself.

‘Anything else?’ Fitch demanded of Jankle, as if his initial inquiry were thoughtless, as though if he had nothing productive to say then maybe he should just keep his mouth shut.

‘Do you trust these lawyers?’ Jankle asked, not for the first time.

‘We’ve covered this before,’ Fitch answered.

‘We can certainly cover it again if I choose.’

‘Why are you worried about our lawyers?’ Fitch asked.

‘Because, well, because they’re from around here.’

‘I see. And you think it’d be wise to bring in some New York lawyers to talk to our jury? Maybe some from Boston?’

‘No, it’s just that, well, they’ve never defended a tobacco case.’

‘There’s never been a tobacco case on the Coast before. Are you complaining?’

‘They just worry me, that’s all.’

‘We’ve hired the best in this area,’ Fitch said.

‘Why do they work so cheap?’

‘Cheap. Last week you were worried about defense costs. Now our lawyers are not charging enough. Make up your mind.’

‘Last year we paid four hundred bucks an hour for Pittsburgh lawyers. These guys work for two hundred. That worries me.’

Fitch frowned at Luther Vandemeer, CEO of Trelco. ‘Am I missing something here?’ he asked. Is he serious? We’re at five million bucks for this case, and he’s afraid I’m pinching pennies.’ Fitch waved in the direction of Jankle. Vandemeer smiled and took a drink.

‘You spent six million in Oklahoma,’ Jankle said.

‘And we won. I don’t recall any complaints after the verdict came in.’

‘I’m not complaining now. I’m just voicing a concern.’

‘Great! I’ll go back to the office, gather all the lawyers together, and tell them my clients are upset about the bills. I’ll say, “Look, fellas, I know you’re getting rich off us, but that’s not good enough. My clients want you to bill more, okay. Stick it to us. You guys are working too cheap.” That sound like a good idea?’

‘Relax, Martin,’ Vandemeer said. ‘The trial hasn’t started yet. I’m confident we’ll be sick of our own lawyers before we leave here.’

‘Yeah, but this trial’s different. We all know that.’ Jankle’s words trailed off as he lifted his glass. He had a drinking problem, the only one of the four. His company had quietly dried him out six months ago, but the pressure of the lawsuit was too much. Fitch, a former drunk himself, knew Jankle was in trouble. He would be forced to testify in a few weeks.

As if Fitch didn’t have enough to worry about, he was now saddled with the burden of keeping D. Martin Jankle sober until then. Fitch hated him for his weakness.

‘I assume the plaintiff’s lawyers are ready,’ asked another CEO.

‘Safe assumption,’ Fitch said with a shrug. ‘There are enough of them.’

Eight, at last count. Eight of the largest tort firms in the country had allegedly put up a million bucks each to finance this showdown with the tobacco industry. They had picked the plaintiff, the widow of a man named Jacob L. Wood. They had picked the forum, the Gulf Coast of Mississippi, because the state had beautiful tort laws and because juries in Biloxi could at times be generous. They hadn’t picked the judge, but they couldn’t have been luckier. The Honorable Frederick Harkin had been a plaintiff’s lawyer before a heart attack sent him to the bench.

It was no ordinary tobacco case, and everyone in the room knew it.

‘How much have they spent?’

‘I’m not privy to that information,’ Fitch said. ‘We’ve heard rumors that their war chest may not be as loaded as advertised, maybe a small problem collecting the upfront money from a few of the lawyers. But they’ve spent millions. And they have a dozen consumer groups hanging around ready to pitch in advice.’

Jankle rattled his ice, then drained the last drop of liquid from his glass. It was his fourth drink. The room was silent for a moment as Fitch stood and waited and the CEO’s watched the carpet.

‘How long will it last?’ Jankle finally asked.

‘Four to six weeks. Jury selection goes fast here. We’ll probably seat a jury by Wednesday.’

‘Allentown lasted three months,’ Jankle said.

‘This ain’t Kansas, Toto. You want a three-month trial?’

‘No, I was just, well . . .’ Jankle’s words trailed off sadly.

‘How long should we stay in town?’ Vandemeer said, instinctively glancing at his watch.

‘I don’t care. You can leave now, or you can wait until the jury is picked. You all have those big jets. If I need you, I can find you.’ Fitch set his water on the mantel and looked around the room. He was suddenly ready to leave. ‘Anything else?’

Not a word.

‘Good.’

He said something to José as he opened the front door, then he was gone. They stared in silence at the posh carpet, worrying about Monday, worrying about lots of things.

Jankle, his hands quivering slightly, finally lit a cigarette.

Wendall Rohr made his first fortune in the suing game when two offshore oil workers were burned on a Shell rig in the Gulf. His cut was almost two million, and he quickly considered himself a trial lawyer to be reckoned with. He spread his money around, picked up more cases, and by the age of forty had an aggressive firm and a decent reputation as a courtroom brawler. Then drugs, a divorce, and some bad investments ruined his life for a while, and at the age of fifty he was checking titles and defending shoplifters like a million other lawyers. When a wave of asbestos litigation swept the Gulf Coast, Wendall was once again in the right place. He made his second fortune, and vowed never to lose it. He built a firm, refurbished a grand suite of offices, even found a young wife. Free of booze and pills, Rohr directed his considerable energies into suing corporate America on behalf of injured people. On his second trip, he rose even quicker in trial lawyer circles. He grew a beard, oiled his hair, became a radical, and was beloved on the lecture circuit.

Rohr met Celeste Wood, the widow of Jacob Wood,

through a young lawyer who had prepared Jacob's will in anticipation of death. Jacob Wood died at the age of fifty-one after smoking three packs a day for almost thirty years. At the time of his death, he was a production supervisor in a boat factory, earning forty thousand a year.

In the hands of a less ambitious lawyer, the case appeared to be nothing more than a dead smoker, one of countless others. Rohr, though, had networked his way into a circle of acquaintances who were dreaming the grandest dreams ever known to trial lawyers. All were specialists in product liability, all had made millions collecting on breast implants, Dalkon Shields, and asbestos. Now they met several times a year and plotted ways to mine the mother lode of American torts. No legally manufactured product in the history of the world had killed as many people as the cigarette. And their makers had pockets so deep the money had mildewed.

Rohr put up the first million, and was eventually joined by seven others. With no effort, the group quickly recruited help from the Tobacco Task Force, the Coalition for a Smoke Free World, and the Tobacco Liability Fund, plus a handful of other consumer groups and industry watchdogs. A plaintiff's trial council was organized, not surprisingly with Wendall Rohr as the chairman and designated point man in the courtroom. Amid as much fanfare as it could generate, Rohr's group had filed suit four years earlier in the Circuit Court of Harrison County, Mississippi.

According to Fitch's research, the Wood case against Pynex was the fifty-fifth of its kind. Thirty-six had been dismissed for a multitude of reasons. Sixteen had gone to trial and ended with verdicts in favor of the tobacco companies. Two had ended in mistrials. None had been settled. Not one penny had ever been paid to a plaintiff in a cigarette case.

According to Rohr's theory, none of the other fifty-four had been pushed by so formidable a plaintiff's group. Never had the plaintiff been represented by lawyers with enough money to level the playing field.

Fitch would admit this.

Rohr's long-term strategy was simple, and brilliant. There were a hundred million smokers out there, not all with lung cancer but certainly a sufficient number to keep him busy until retirement. Win the first one, then sit back and wait for the stampede. Every main street ham-and-egger with a grieving widow would be calling with lung cancer cases. Rohr and his group could pick and choose.

He operated from a suite of offices which took the top three floors of an old bank building not far from the courthouse. Late Friday night, he opened the door to a dark room and stood along the back wall as Jonathan Kotlack from San Diego operated the projector. Kotlack was in charge of jury research and selection, though Rohr would do most of the questioning. The long table in the center of the room was littered with coffee cups and wadded paper. The people around the table watched bleary-eyed as another face flashed against the wall.

Nelle Robert (pronounced Roh-bair), age forty-six, divorced, once raped, works as a bank teller, doesn't smoke, very over-weight and thus disqualified under Rohr's philosophy of jury selection. Never take fat women. He didn't care what the jury experts would tell him. He didn't care what Kotlack thought. Rohr never took fat women. Especially single ones. They tended to be tightfisted and unsympathetic.

He had the names and faces memorized, and he couldn't take any more. He had studied these people until he was sick of them. He eased from the room, rubbed his eyes in the hallway, and walked down the stairs of his opulent offices to the conference room,

where the Documents Committee was busy organizing thousands of papers under the supervision of André Durond from New Orleans. At this moment, at almost ten o'clock on Friday night, more than forty people were hard at work in the law offices of Wendall H. Rohr.

He spoke to Durond as they watched the paralegals for a few minutes. He left the room and headed for the next with a quicker pace now. The adrenaline was pumping.

The tobacco lawyers were down the street working just as hard.

Nothing rivaled the thrill of big-time litigation.

THREE

The main courtroom of the Biloxi courthouse was on the second floor, up the tiled staircase to an atrium where sunlight flooded in. A fresh coat of white paint had just been applied to the walls, and the floors gleamed with new wax.

By eight Monday a crowd was already gathering in the atrium outside the large wooden doors leading to the courtroom. One small group was clustered in a corner, and was comprised of young men in dark suits, all of whom looked remarkably similar. They were well groomed, with oily short hair, and most either wore horn-rimmed glasses or had suspenders showing from under their tailored jackets. They were Wall Street financial analysts, specialists in tobacco stocks, sent South to follow the early developments of *Wood v. Pynex*.

Another group, larger and growing by the minute, hung loosely together in the center of the atrium. Each member awkwardly held a piece of paper, a jury summons. Few knew one another, but the papers labeled them and conversation came easy. A nervous chatter rose quietly outside the courtroom. The dark suits from the first group became still and watched the potential jurors.

The third group wore frowns and uniforms and guarded the doors. No fewer than seven deputies were

assigned to keep things secure on opening day. Two fiddled with the metal detector in front of the door. Two more busied themselves with paperwork behind a makeshift desk. They were expecting a full house. The other three sipped coffee from paper cups and watched the crowd grow.

The guards opened the courtroom doors at exactly eight-thirty, checked the summons of each juror, admitted them one by one through the metal detector, and told the rest of the spectators they would have to wait awhile. Same for the analysts and same for the reporters.

With a neat ring of folding chairs in the aisles around the padded benches, the courtroom could seat about three hundred people. Beyond the bar, another thirty or so would soon crowd around the counsel tables. The Circuit Clerk, popularly elected by the people, checked each summons, smiled, and even hugged a few of the jurors she knew, and in a much experienced way herded them into the pews. Her name was Gloria Lane, Circuit Clerk for Harrison County for the past eleven years. She wouldn't dare miss this opportunity to point and direct, to put faces with names, to shake hands, to politic, to enjoy a brief moment in the spotlight of her most notorious trial yet. She was assisted by three younger women from her office, and by nine the jurors were all properly seated by number and were busy filling out another round of questionnaires.

Only two were missing. Ernest Duly was rumored to have moved to Florida, where he supposedly died, and there was not a clue to the whereabouts of Mrs. Tella Gail Ridehouser, who registered to vote in 1959 but hadn't visited the polls since Carter beat Ford. Gloria Lane declared the two to be nonexistent. To her left, rows one through twelve held 144 prospective jurors, and to her right, rows thirteen through sixteen held the remaining 50. Gloria consulted with an armed deputy,

and pursuant to Judge Harkin's written edict, forty spectators were admitted and seated in the rear of the courtroom.

The questionnaires were finished quickly, gathered by the assistant clerks, and by ten the first of many lawyers began easing into the courtroom. They came not through the front door, but from somewhere in the back, behind the bench, where two doors led to a maze of small rooms and offices. Without exception they wore dark suits and intelligent frowns, and they all attempted the impossible feat of gawking at the jurors while trying to appear uninterested. Each tried vainly to seem preoccupied with weightier matters as files were examined and whispered conferences took place. They trickled in and took their places around the tables. To the right was the plaintiff's table. The defense was next to it. Chairs were packed tightly into every possible inch between the tables and the wooden rail which separated them from the spectators.

Row number seventeen was empty, again Harkin's orders, and in eighteen the boys from Wall Street sat stiffly and studied the backs of the jurors. Behind them were some reporters, then a row of local lawyers and other curious types. Rankin Fitch pretended to read a newspaper in the back row.

More lawyers filed in. Then the jury consultants from both sides took their positions in the cramped seats between the railing and the counsel tables. They began the uncomfortable task of staring into the inquiring faces of 194 strangers. The consultants studied the jurors because, first, that was what they were being paid huge sums of money to do, and second, because they claimed to be able to thoroughly analyze a person through the telltale revelations of body language. They watched and waited anxiously for arms to fold across the chest, for fingers to pick nervously at teeth, for heads to cock suspiciously to one side, for a

hundred other gestures that supposedly would lay a person bare and expose the most private of prejudices.

They scribbled notes and silently probed the faces. Juror number fifty-six, Nicholas Easter, received more than his share of concerned looks. He sat in the middle of the fifth row, dressed in starched khakis and a button-down, a nice-looking young man. He glanced around occasionally, but his attention was directed at a paperback he'd brought for the day. No one else had thought to bring a book.

More chairs were filled near the railing. The defense had no fewer than six jury experts examining facial twitches and hemorrhoidal clutches. The plaintiff was using only four.

For the most part, the prospective jurors didn't enjoy being appraised in such a manner, and for fifteen awkward minutes they returned the glaring with scowls of their own. A lawyer told a private joke near the bench, and the laughter eased the tension. The lawyers gossiped and whispered, but the jurors were afraid to say anything.

The last lawyer to enter the courtroom was, of course, Wendall Rohr, and as usual, he could be heard before he was seen. Since he didn't own a dark suit, he wore his favorite opening-day ensemble – a gray checkered sports coat, gray slacks that didn't match, a white vest, blue shirt with red-and-yellow paisley bow tie. He was barking at a paralegal as they strode in front of the defense lawyers, ignoring them as if they'd just finished a heated skirmish somewhere in the rear. He said something loudly to another plaintiff's lawyer, and once he had the attention of the courtroom, he gazed upon his potential jurors. These were his people. This was his case, one he'd filed in his hometown so he could one day stand in this, his courtroom, and seek justice from his people. He nodded at a couple, winked at another. He knew these folks. Together, they would find the truth.

His entrance rattled the jury experts on the defense side, none of whom had actually met Wendall Rohr, but all of whom had been briefed extensively on his reputation. They saw the smiles on the faces of some of the jurors, people who actually knew him. They read the body language as the entire panel seemed to relax and respond to a familiar face. Rohr was a local legend. Fitch cursed him from the back row.

Finally, at ten-thirty, a deputy burst from the door behind the bench and shouted, 'All rise for the court!' Three hundred people jumped to their feet as the Honorable Frederick Harkin stepped up to the bench and asked everyone to be seated.

For a judge he was quite young, fifty, a Democrat appointed by the governor to fill an unexpired term, then elected by the people. Because he'd once been a plaintiff's lawyer, he was now rumored to be a plaintiff's judge, though there was no truth to this. Just gossip deliciously spread by members of the defense bar. In reality, he'd been a decent general practitioner in a small firm not noted for its courtroom victories. He'd worked hard, but his passion had always been local politics, a game he'd played skillfully. His luck had paid off with an appointment to the bench, where he now earned eighty thousand dollars a year, more than he'd ever made as a lawyer.

The sight of a courtroom packed with so many qualified voters would warm the heart of any elected official, and His Honor couldn't conceal a broad grin as he welcomed the panel to his lair as if they were volunteers. The smile slowly vanished as he completed a short welcoming speech, impressing upon them the importance of their presence. Harkin was not known for either his warmth or his humor, and he quickly turned serious.

And with good reason. Seated before him were more lawyers than could actually fit around the tables. The court file listed eight as counsel of record for the

plaintiff, and nine for the defense. Four days earlier, in a closed courtroom, Harkin had assigned seating for both sides. Once the jury was selected and the trial started, only six lawyers per side could sit with feet under the table. The others were assigned to a row of chairs where the jury consultants now huddled and watched. He also designated seats for the parties – Celeste Wood, the widow, and the Pynex representative. The seating arrangement had been reduced to writing and included in a small booklet of rules His Honor had written just for this occasion.

The lawsuit had been filed four years ago, and actively pursued and defended since its inception. It now filled eleven storage boxes. Each side had already spent millions to reach this point. The trial would last at least a month. Assembled at this moment in his courtroom were some of the brightest legal minds and largest egos in the country. Fred Harkin was determined to rule with a heavy hand.

Speaking into the microphone on the bench, he gave a quick synopsis of the trial, but only for informational purposes. Nice to let these folks know why they're here. He said the trial was scheduled to last for several weeks, and that the jurors would not be sequestered. There were some specific statutory excuses from jury duty, he explained, and asked if anyone over the age of sixty-five had slipped through the computer. Six hands shot upward. He seemed surprised and looked blankly at Gloria Lane, who shrugged as if this happened all the time. The six had the option of leaving immediately, and five chose to do so. Down to 189. The jury consultants scribbled and X'ed off names. The lawyers gravely made notes.

'Now, do we have any blind people here?' the Judge asked. 'I mean, legally blind?' It was a light question, and brought a few smiles. Why would a blind person show up for jury duty? It was unheard of.

Slowly, a hand was raised from the center of the pack, row seven, about halfway down. Juror number sixty-three, a Mr. Herman Grimes, age fifty-nine, computer programmer, white, married, no kids. What the hell was this? Did anybody know this man was blind? The jury experts huddled on both sides. The Herman Grimes photos had been of his house and a shot or two of him on the front porch. He'd lived in the area about three years. His questionnaires didn't indicate any handicap.

'Please stand, sir,' the Judge said.

Mr. Herman Grimes stood slowly, hands in pockets, casually dressed, normal-looking eyeglasses. He didn't appear to be blind.

'Your number please,' the Judge asked. He, unlike the lawyers and their consultants, had not been required to memorize every available tidbit about every juror.

'Uh, sixty-three.'

'And your name?' He was flipping the pages of his computer printout.

'Herman Grimes.'

Harkin found the name, then gazed into the sea of faces. 'And you're legally blind?'

'Yes sir.'

'Well, Mr. Grimes, under our law, you are excused from jury duty. You're free to go.'

Herman Grimes didn't move, didn't even flinch. He just looked at whatever he could see and said, 'Why?'

'I beg your pardon.'

'Why do I have to leave?'

'Because you're blind.'

'I know that.'

'And, well, blind people can't serve on juries,' Harkin said, glancing to his right and then to his left as his words trailed off. 'You're free to go, Mr. Grimes.'

Herman Grimes hesitated as he contemplated his

response. The courtroom was still. Finally, ‘Who says blind people can’t serve on juries?’

Harkin was already reaching for a lawbook. His Honor was meticulously prepared for this trial. He’d stopped hearing other matters a month ago, and had secluded himself in his chambers, where he pored over pleadings, discovery, the applicable law, and the latest in the rules of trial procedure. He’d picked dozens of juries during his tenure on the bench, all kinds of juries for all kinds of cases, and he thought he’d seen it all. So of course he’d get ambushed during the first ten minutes of jury selection. And of course the courtroom would be packed.

‘You want to serve, Mr. Grimes?’ he said, trying to force a lighthearted moment as he flipped pages and looked at the wealth of legal talent assembled nearby.

Mr. Grimes was growing hostile. ‘You tell me why a blind person can’t be on a jury. If it’s written in the law, then the law is discriminatory, and I’ll sue. If it ain’t written in the law, and if it’s just a matter of practice, then I’ll sue even faster.’

There was little doubt that Mr. Grimes was no stranger to litigation.

On one side of the bar were two hundred little people, those dragged into court by the power of the law. On the other side was the law itself – the Judge sitting elevated above the rest, the packs of stuffy lawyers looking down their nasty noses, the clerks, the deputies, the bailiffs. On behalf of the draftees, Mr. Herman Grimes had struck a mighty blow at the establishment, and he was rewarded with chuckles and light laughter from his colleagues. He didn’t care.

Across the railing, the lawyers smiled because the prospective jurors were smiling, and they shifted in their seats and scratched their heads because no one knew what to do. ‘I’ve never seen this before,’ they whispered.

The law said that a blind person *may* be excused from jury service, and when the Judge saw the word *may* he quickly decided to placate Mr. Grimes and deal with him later. No sense getting sued in your own courtroom. There were other ways to exclude him from jury duty. He'd discuss it with the attorneys. 'On second thought, Mr. Grimes, I think you'd make an excellent juror. Please be seated.'

Herman Grimes nodded and smiled and politely said, 'Thank you, sir.'

How do you factor in a blind juror? The experts mulled this question as they watched him slowly bend and sit. What are his prejudices? Which side will he favor? In a game with no rules, it was a widely held axiom that people with handicaps and disabilities made great plaintiff's jurors because they better understood the meaning of suffering. But there were countless exceptions.

From the back row, Rankin Fitch strained to his right in a vain effort to make eye contact with Carl Nussman, the man who'd already been paid \$1,200,000 to select the perfect jury. Nussman sat in the midst of his jury consultants, holding a legal pad and studying the faces as if he'd known perfectly well that Herman Grimes was blind. He hadn't, and Fitch knew he hadn't. It was a minor fact that had slipped through their vast web of intelligence. What else had they missed? Fitch asked himself. He'd peel the hide off Nussman as soon as they broke for a recess.

'Now, ladies and gentlemen,' the Judge continued, his voice suddenly sharper and anxious to move on now that an on-the-spot discrimination suit had been averted. 'We enter into a phase of jury selection that will be somewhat time-consuming. It deals with physical infirmities which might prevent you from serving. We are not going to embarrass you, but if you have a

physical problem, we need to discuss it. We'll start with the first row.'

As Gloria Lane stood in the aisle by row one, a man of about sixty raised his hand, then got to his feet and walked through the small swinging gate of the bar. A bailiff led him to the witness chair and shoved the microphone away. The Judge moved to the end of the bench and leaned downward so that he could whisper to the man. Two lawyers, one from each side, took their places directly in front of the witness stand and blocked the view from the spectators. The court reporter completed the tight huddle, and when everyone was in place the Judge softly asked about the man's affliction.

It was a herniated disc, and he had a letter from his doctor. He was excused and left the courtroom in a hurry.

When Harkin broke for lunch at noon, he had dismissed thirteen people for medical reasons. The tedium had set in. They would resume at one-thirty, for much more of the same.

Nicholas Easter left the courthouse alone, and walked six blocks to a Burger King, where he ordered a Whopper and a Coke. He sat in a booth near the window, watching kids swing in the small playground, scanning a *USA Today*, eating slowly because he had an hour and a half.

The same blonde who first met him at the Computer Hut in tight jeans now wore baggy Umbros, a loose T-shirt, new Nikes, and carried a small gym bag over her shoulder. She met him for the second time as she walked by his booth carrying her tray and stopped when she seemed to recognize him.

'Nicholas,' she said, feigning uncertainty.

He looked at her, and for an awkward second knew they'd met somewhere before. The name escaped him.

'You don't remember me,' she said with a pleasant

smile. 'I was in your Computer Hut two weeks ago looking for –'

'Yeah, I remember,' he said with a quick glance at her nicely tanned legs. 'You bought a digital radio.'

'Right. The name is Amanda. If I remember correctly, I left you my phone number. I guess you lost it.'

'Would you like to sit down?'

'Thank you.' She sat quickly and took a french fry.

'I still have the number,' he said. 'In fact –'

'Don't bother. I'm sure you've called several times. My answering machine is broken.'

'No. I haven't called, yet. But I was thinking about it.'

'Sure,' she said, almost giggling. She had perfect teeth, which she delighted in showing him. Her hair was in a ponytail. She was too cute and too put together to be a jogger. And there was no evidence of sweat on her face.

'So what are you doing here?' he asked.

'On my way to aerobics.'

'You're eating french fries before you do aerobics?'

'Why not?'

'I don't know. It just doesn't seem right.'

'I need the carbohydrates.'

'I see. Do you smoke before aerobics?'

'Sometimes. Is that why you haven't called? Because I smoke?'

'Not really.'

'Come on, Nicholas. I can take it.' She was still smiling and trying to be coy.

'Okay, it crossed my mind.'

'Figures. Have you ever dated a smoker?'

'Not that I recall.'

'Why not?'

'Maybe I don't want to breathe it secondhand. I don't know. It's not something I spend time worrying about.'

‘Have you ever smoked?’ She nibbled on another fry and watched him intently.

‘Sure. Every kid tries it. When I was ten, I stole a pack of Camels from a plumber working around our house. Smoked them all in two days, got sick, and thought I was dying of cancer.’ He took a bite of his burger.

‘And that was it?’

He chewed and thought it over before saying, ‘I think so. I can’t remember another cigarette. Why did you start?’

‘Stupid. I’m trying to quit.’

‘Good. You’re too young.’

‘Thanks. And let me guess. When I quit, you’ll give me a call, right?’

‘I may call you anyway.’

‘I’ve heard this before,’ she said, all toothy and teasing. She took a long drink from her straw, then said, ‘Can I ask what you’re doing here?’

‘Eating a Whopper. And you?’

‘I’ve told you. I’m headed to the gym.’

‘Right. I was just passing through, had some business down-town, got hungry.’

‘Why do you work in a Computer Hut?’

‘You mean, like, why am I wasting my life working for minimum wage in a mall?’

‘No, but close.’

‘I’m a student.’

‘Where?’

‘Nowhere. I’m between schools.’

‘Where was the last school?’

‘North Texas State.’

‘Where’s the next one?’

‘Probably Southern Mississippi.’

‘What are you studying?’

‘Computers. You ask a lot of questions.’

‘But they’re easy ones, aren’t they?’

‘I suppose. Where do you work?’

‘I don’t. I just divorced a rich man. No kids. I’m twenty-eight, single, and would like to stay that way, but a date every now and then would be nice. Why don’t you give me a call?’

‘How rich?’

She laughed at this, then checked her watch. ‘I need to go. My class starts in ten minutes.’ She was on her feet, getting her bag but leaving her tray. ‘I’ll see you around.’

She drove off in a small BMW.

The rest of the sick folks were hastily cleared from the panel, and by 3 P.M. the number was down to 159. Judge Harkin ordered a fifteen-minute recess, and when he returned to the bench he announced they were entering into a different phase of jury selection. He delivered a strong lecture on civic responsibility, and practically dared anyone to claim a nonmedical hardship. The first attempt was by a harried corporate executive who sat in the witness chair and softly explained to the Judge, the two lawyers, and the court reporter that he worked eighty hours a week for a large company that was losing lots of money, and any time away from the office would be disastrous. The Judge instructed him to return to his seat and await further directions.

The second attempt was by a middle-aged woman who operated an unlicensed day care center in her home. ‘I keep kids, Your Honor,’ she whispered, fighting back tears. ‘It’s all I can do. I collect two hundred dollars a week, and I barely get by. If I have to serve on this jury, then I’ll have to hire a stranger to keep the kids. Their parents won’t like this, plus I can’t afford to hire anyone. I’ll go busted.’

The prospective jurors watched with great interest as she walked down the aisle, past her row, and out of the

courtroom. Her story must've been a good one. The harried corporate executive fumed.

By five-thirty, eleven people had been excused, and sixteen others had been sent back to their seats after failing to sound sufficiently pitiful. The Judge instructed Gloria Lane to pass out another, lengthier questionnaire, and told the remaining jurors to have it answered by nine in the morning. He dismissed them, with firm warnings against discussing the case with strangers.

Rankin Fitch was not in the courtroom when it adjourned Monday afternoon. He was in his office down the street. There was no record of any Nicholas Easter at North Texas State. The blonde had recorded their little chat at Burger King, and Fitch had listened to it twice. It had been his decision to send her in for a chance meeting. The meeting was risky, but it worked. She was now on a plane back to Washington. Her answering machine in Biloxi was on and would remain so until after the jury was selected. If Easter decided to call, something Fitch doubted, he wouldn't be able to reach her.

FOUR

It asked questions like, Do you now smoke cigarettes? And if so, how many packs a day? And if so, how long have you smoked? And if so, do you want to stop? Have you ever smoked cigarettes as a habit? Has any member of your family, or someone you know well, suffered any disease or illness directly associated with smoking cigarettes? If so, who? (Space provided below. Please give person's name, nature of disease or illness, and state whether or not the person was successfully treated.) Do you believe smoking causes (a) lung cancer; (b) heart disease; (c) high blood pressure; (d) none of the above; (e) all of the above?

Page three held the weightier matters: State your opinion on the issue of tax dollars being used to fund medical care for smoking-related health problems. State your opinion on the issue of tax dollars being used to subsidize tobacco farmers. State your opinion on the issue of banning smoking in all public buildings. What rights do you think smokers should have? Large empty spaces were available for these answers.

Page four listed the names of the seventeen lawyers who were officially attorneys of record, then it listed the names of eighty more who happened to be in some related practice with the first seventeen. Do you personally know any of these lawyers? Have you ever been represented by any of these lawyers? Have you

ever been involved in any legal matter with any of these lawyers?

No. No. No. Nicholas made quick check marks.

Page five listed the names of potential witnesses, sixty-two people including Celeste Wood, the widow and plaintiff. Do you know any of these people? No.

He mixed another cup of instant coffee and added two packs of sugar. He'd spent an hour with these questions last night, and another hour had already passed this morning. The sun was barely up. Breakfast had been a banana and a stale bagel. He ate a small bite of the bagel, thought about the last question, then answered it with a pencil in a neat, almost tedious hand – all caps printed, because his cursive was ragged and barely legible. And he knew that before dark today an entire committee of handwriting experts on both sides would be poring over his words, not caring so much about what he said but more about how he formed his letters. He wanted to appear neat and thoughtful, intelligent and open-minded, capable of hearing with both ears and deciding matters fairly, an arbitrator they would clamor for.

He'd read three books on the ins and outs of handwriting analysis.

He flipped back to the tobacco subsidy question because it was a tough one. He had an answer ready because he'd given much thought to the issue, and he wanted to write it clearly. Or maybe vaguely. Maybe in such a way that he wouldn't betray his feelings, yet wouldn't scare either side.

Many of these same questions had been used in the Cimmino case last year in Allentown, Pennsylvania. Nicholas had been David then, David Lancaster, a part-time film student with a genuine dark beard and fake horn-rimmed glasses who worked in a video store. He'd copied the questionnaire before turning it in on the second day of jury selection. It was a similar case, but

with a different widow and a different tobacco company, and though there'd been a hundred lawyers involved, they were all different from this bunch. Only Fitch remained the same.

Nicholas/David had made the first two cuts then, but was four rows away when the panel was seated. He shaved his beard, ditched the pharmacy eyeglasses, and left town a month later.

The folding card table vibrated slightly as he wrote. This was his dinette – the table and three mismatched chairs. The tiny den to his right was furnished with a flimsy rocker, a TV mounted on a wooden crate, and a dusty sofa he'd purchased at a flea market for fifteen dollars. He probably could have afforded to rent some nicer pieces, but renting required forms and left a trail. There were people out there practically digging through his garbage to find out who he was.

He thought of the blonde and wondered where she might turn up today, no doubt with a cigarette close at hand and an eagerness to draw him into another banal chat about smoking. The idea of calling her hadn't crossed his mind, but the question of which side she worked for was quite intriguing. Probably the tobacco companies, because she was exactly the type of agent Fitch liked to use.

Nicholas knew from his studies of the law that it was highly unethical for the blonde, or any other hireling for that matter, to directly approach a potential juror. He also knew that Fitch had enough money to make the blonde disappear from here, without a trace, only to surface at the next trial as a redhead with a different brand and an interest in horticulture. Some things were impossible to uncover.

The one bedroom was consumed almost entirely with a king-size mattress, lying directly on the floor with nothing under it, another purchase from the flea market. A series of cardboard boxes served as the chest

of drawers. Clothing littered the floor.

It was a temporary home, with the look of a place one might use for a month or two before leaving town in the middle of the night; which was exactly what he had in mind. He'd lived there for six months already, and the apartment number was his official address, at least the one used when he registered to vote and obtained his Mississippi driver's license. He had nicer quarters four miles away, but couldn't run the risk of being seen there.

So he lived happily in poverty, just another broke student with no assets and few responsibilities. He was almost certain Fitch's snoops had not entered his apartment, but he took no chances. The place was cheap, but carefully arranged. Nothing revealing could be found.

At eight, he finished the questionnaire and proofed it one last time. The one in the Cimmino case had been written in longhand, in a different style altogether. After months of practicing his printing he was certain he would not be detected. There had been three hundred potential jurors then, and almost two hundred now, and why would anyone suspect that he would be in both pools?

From behind a pillowcase stretched over the kitchen window, he quickly checked the parking lot below for photographers or other intruders. He'd seen one three weeks ago sitting low behind the wheel of a pickup.

No snoops today. He locked his apartment door and left on foot.

Gloria Lane was much more efficient with her herding on the second day. The remaining 148 prospective jurors were seated on the right side, packed tightly twelve to a row, twelve deep with four in the aisle. They were easier to handle when seated on one side of the courtroom. The questionnaires were gathered as they

entered, then quickly copied and given to each side. By ten, the answers were being analyzed by jury consultants locked away in windowless rooms.

Across the aisle, a well-mannered throng of financial boys, reporters, the curious, and other miscellaneous spectators sat and stared at the crowds of lawyers, who sat and studied the faces of the jurors. Fitch had quietly moved to the front row, nearer to his defense team, with a nicely dressed flunkie on each side just waiting for his latest command.

Judge Harkin was a man on a mission on Tuesday, and took less than an hour to complete the nonmedical hardships. Six more were excused, leaving 142 on the panel.

Finally, it was showtime. Wendall Rohr, wearing apparently the same gray checkered sports coat, white vest, and red-and-yellow bow tie, stood and walked to the railing to address his audience. He cracked his knuckles loudly, opened his hands, and displayed a dark, broad grin. 'Welcome,' he said dramatically, as if what was about to follow was an event the memory of which they would cherish forever. He introduced himself, the members of his team who would be participating in the trial, and then he asked the plaintiff, Celeste Wood, to stand. He managed to use the word 'widow' twice as he displayed her to the prospects. A petite woman of fifty-five, she wore a plain black dress, dark hose, dark shoes that could not be seen below the railing, and she offered a painfully proper little smile as if she had yet to exit the mourning stage, though her husband had been dead for four years. In fact, she'd almost remarried, an event Wendall got canceled at the last moment, as soon as he learned of it. It's okay to love the guy, he had explained to her, but do so quietly and you can't marry him until after the trial. The sympathy factor. You're supposed to be suffering, he had explained.