

Fiction

The Appeal

Lawrence Savell, Esq.

“That’s wonderful news, Julie,” Nick responded, hoping desperately that it would sound convincing. “I couldn’t be happier.”

They talked for a while longer, and said goodbye in the caring and wistful way that people in the magical upswing of a developing relationship do. Nick slowly returned the handset to its cradle.

It *was* wonderful news. Nick Mancuso’s girlfriend of seven months, Julie Merritt, had been rescued off the waiting list at Stanford Law School, where classes would begin in just a few weeks. Wonderful news.

The only problem was that Nick and Julie lived in Manhattan. Nick was a fourth-year associate and Julie was a paralegal at the law firm of Weinstein & Kennedy, LLP. Nick had a bad track record when it came to sustaining long-distance relationships, a record akin to the World Series record of certain long-time Chicago and Boston residents.

Julie shared Nick’s concerns, but was far more confident about the ability of their relationship to survive what she pointed out – with feigned disdain -- was a less than three-inch separation according to the world map embedded in Nick’s mouse pad.

Nick sighed audibly, thankful that he had finally moved up to a single (albeit small) associate office, thus ending his three-and-a-half year penance of sharing a room with a pleasant but chronically inquisitive colleague. Until recently it had looked like things were going to work out in terms of Julie’s law school choice: she had applied to all of the top-shelf schools that were conveniently located in or within commuting distance of Manhattan (plus a few out-of-state luminaries), and her undergrad grades, LSAT score, and work experience made her a viable candidate at all of them. But, as Nick recalled from his own application odyssey, this was a far-from-scientific process, and reality rarely matched expectations. For reasons unknown, all but one of the local schools had rejected Julie, and the remaining one had, like Stanford (the only out-of-state school that did not reject her outright), placed her on the Twilight Zone of the waiting list. A few days before, that local school had notified Julie that she would not be offered a spot in the entering class.

Nick, running on auto-pilot, let his gaze wander around his office, first at the crystal globe on his desk that was the “parting gift” from the last W&K Holiday (no longer just Christmas, of course) Party. Working in different departments at a 300-plus-lawyer shop with at least as many more other personnel, he and Julie had met for

the first time that night, when they simultaneously reached for the same surviving chocolate-camouflaged strawberry on the presumably dentist-designed dessert buffet. Next to the globe was the gleaming seashell that was a souvenir of their first vacation together, early that spring. His glance moved to the shelves of treatises and case books that were the already-obsolete relics of his own legal education, and then at the piles of brief drafts that were stacked on his floor face up in reverse chronological order, like geologic layers of sediment, each successive iteration purportedly reflecting a discernible increase in clarity and decrease in typos. He could argue forcefully in print -- and hopefully someday in court -- on behalf of his clients, but now he had no ability to remedy the far more personal crisis in which he and Julie found themselves.

He thought about the prior relationships that had been undermined by the frequent yet often unforeseen evening and weekend commitments required of him as a young associate, and of all the opportunities that had been lost to meet people at outside parties and other events he had not been able to attend. And he thought how his relationship with Julie had been different -- both in the magnitude of their feelings for each other and in her understanding and acceptance of the unavoidable requirements of his job.

And he closed his mercifully opaque door and began to cry.

Eventually, the phone rang again, and Nick, composing himself, proved to be an easy mark in agreeing to participate in a "Little Italy" dining excursion for the current crop of inordinately well-fed W&K Summer Associates later that week.

After he hung up, Nick stood, grabbed his sport jacket, and headed out his door. He walked down the long hallway of mahogany and fluorescence to the elevator bank.

"I'll be back shortly," he lied to the receptionist. Nick knew better. Since his arrival at the firm, Nick had developed his own personal way of coping with adversity, which he encountered with unfortunately increasing regularity: he went for a long walk. When his annual review included pockets of unexpected turbulence, he went for a long walk. When a partner marked up his draft such that red ink dwarfed printer toner, he went for a long walk. When he wrongly thought Julie was interested in a visiting foreign intern, he went for a long walk. It was time for another.

These walks never had any particular destination, or even direction. But what they did have was speed. Speed on the sidewalks of midtown Manhattan, unless you are a bicycle messenger, means devoting all your

mental energies (as well as your ability to pivot suddenly like a running back) to avoiding impact with other pedestrians; thus, you cannot think of anything else. That was the idea.

As Nick weaved his way among the hoards, he sensed that he was encountering two primary sub-populations. The first were the tourists, strolling in their molasses-like cadence, some pointing and gawking as if they had never before seen a building more than two stories high. Given their numbers, Nick was convinced that huge swaths of the U.S. and most other countries must currently be empty. Nick's second observation was that a lot of people seemed to be heading home or at least from work. But it was barely 4:00 p.m. Who were these people, and what kind of jobs did they have that allowed them to escape at this ungodly early time, when there was still daylight and hours more of it? Nick hated them even more than the tourists, if such a thing were possible.

Nick had walked for over an hour, although of course he had no idea of how long it had been – a striking departure from a professional existence precisely calibrated to six-minute intervals. He had made few turns, usually only to avoid an approaching red light which would have increased the likelihood that he would have to stop or at least slow his determined, albeit aimless, movement. But then suddenly he did stop, because he realized where his subconscious had taken him. He was at the entrance to the law school that had just recently advised Julie that her stay on the waiting list had been in vain.

Nick walked into the courtyard, a quadrangle of cement seasoned with tantalizing islands of City-toughened grass. He entered the main building and paused at a map of office locations. It said "Admissions Office Second Floor." Nick flashed the security guard his W&K ID and business card and muttered something about recruiting, and headed up the stairs.

"Can I help you?" the Admissions receptionist asked as he approached her desk.

"I'm Nick Mancuso from Weinstein & Kennedy, and I'd like to speak to the Director please."

"Do you have an appointment?"

"No, I don't."

"Can I ask what this is about?"

"It's a personal matter, and I would appreciate just a couple of minutes."

"Please sit down," she said, and reached for the telephone. Her eyes stayed on him, in a manner that made Nick suspect she was assessing the likelihood of his packing an Uzi.

Nick sat patiently for about 20 minutes. He thought about all the hopes and dreams that came through this office and others like it, the proportionately few that had been realized and the many that had not. He thought about the modicum of comfort that acceptance at such a top-tier law school gave, which to a minimal, but not insignificant, degree reduced the subsequent pressure to be at the top of the class to hope to land a quality job upon graduation. Nick never experienced that level of comfort: his applications to all 14 of the law schools purported to be among the “top ten” had been summarily rejected, leaving him to bust his hump for three years at a school of lesser reputation. After a forest of resumes and cover letters, a precious handful of interviews, and months when the arrival of the mail was the event around which his days revolved, Nick’s relentless efforts to crack the rarified atmosphere of top New York firms resulted in a single success: Weinstein & Kennedy.

Finally, the inner door opened, and a tall man in his early 50s appeared. He reached out his hand to Nick, who stood to accept it.

“Hi, I’m Bill Rattner. How can I help you?”

“I would just like to speak with you for a few moments. It’s a personal matter.”

Rattner nodded and invited Nick to follow him in. They entered a small office, the far wall of which was a large picture window overlooking the courtyard. Gesturing to his guest chair, Rattner invited Nick to sit down.

“Thank you very much for meeting with me,” Nick began. “I’m not sure how to say this, but I’m here to ask for a very big favor that I have no right to ask you for. I’m asking that you reconsider your decision a few days ago not to accept my girlfriend, because she’s been accepted at Stanford, and if she goes there I’m afraid that our relationship will not survive.”

Despite years of success dating back to his fraternity days in playing poker, Rattner’s jaw dropped perceptibly.

Nick continued. “My girlfriend, Julie Merritt, who works as a paralegal at my firm, Weinstein & Kennedy, is incredibly bright and articulate, and did so well undergrad and on the LSATs that you placed her on the waiting list, as did Stanford. They accepted her from it and you did not. But I’m not here to talk about her numeric qualifications, because you know them and because if that’s all you really wanted I’m sure you could stock your entering class with near 4.0s and perfect scores. I’m here because I love her and I do not want to lose her.”

To Nick's surprise, Rattner did not throw him out of his office as he feared he might. Nick strove to make the most of the opportunity he was being given.

"Mr. Rattner, I need to make a few things clear. Obviously, Julie has no knowledge that I would come here -- nor did I until a little while ago -- and would probably be annoyed that I had done so without asking her permission, which she would not have given. Second, I am not here in any way on behalf of my firm, but on my behalf alone. Our relationship means more to me than anything, and I cannot even think of seeing it slip away. And I've tried to come up with other solutions, including scrapping the four years of sweat equity I've put in at W&K and the small clients I've been able to develop, and moving to California with Julie, but my less-than-stellar record and the current tough job market make my chances of finding a decent position there about zero. But if you say no that is what I will do.

"But I also want you to understand there is a lot more to Julie than her strong grades and test scores. Although I have not seen her application, my suspicion is that her modesty restrained her from mentioning all the wonderful qualities she possesses, qualities directly relevant to the study and practice of law. Julie is a good and caring person, and a determined and loyal ally. She has tremendous passion for things she believes are important and compassion for those who have not gotten a fair shake. Any client would be privileged to be represented by her.

"Mr. Rattner, I look forward each night to seeing Julie when I come home, when we share the highs and lows of our day, the challenges and the successes. When I describe to her the cases I am handling, she displays an amazing ability to discern the issues, and sometimes even the conflicts, with which I am wrestling, without my ever mentioning them. When she starts law school, I'd like to be there to discuss with her the new concepts she learns and the classic cases she reads for the first time, from English fox hunts to electronic discovery -- in person, not over the phone or in an e-mail. I remember well the traumas of law school, and although I know she will do just fine -- and far better than I did -- without my help, I want to be there for her in any way I can."

The two spoke (or, more accurately, Nick spoke and Rattner listened) for nearly half an hour. Then Rattner stood up and reached out his hand.

"I'll take a look at the file," Rattner offered.

"Thank you, sir. I very much appreciate your taking the time to hear me out on this. I think it's safe to say you've been a lot more considerate than others in your position might be or could be expected to be. Thank you again."

Nick walked out with the same feeling that he had walked out of nearly every law school exam with: no idea whatsoever how well or poorly he had done. But as he headed back to the office, his soaked shirt clinging to his skin, the doubts began to bubble up. Who was he kidding, he thought. The man was just placating me to get me out of his office. People in Rattner's position don't get where they are by giving in to emotional appeals. The law does not concern itself with trifles, and one man's pathetic desire to hang on to his girlfriend must surely qualify as a trifle. As irrational as this was for me to attempt, ten times more irrational would it be to think that it might somehow be successful. Nick returned to the level of despair that had first led him on his walk.

Nick, of course, did not tell Julie how he had spent that afternoon. That night there was an added intensity to Nick and Julie's lovemaking. Both were silently conscious of it, but neither could tell why. It was almost like they were physically and literally striving to hold onto each other so that no one could ever pull them apart.

A few days passed uneventfully. That Saturday morning, Nick and Julie were at Julie's apartment immersing themselves in oversized "everything" bagels loaded with Nova lox, chive cream cheese, capers, red onions, and tomatoes.

"I need to tell you something," she said suddenly.

Nick's emotional Early Warning System scrambled into alert mode. "Yes?" he responded tentatively.

"I'm turning down Stanford," she advised. "It's not worth the risk of losing you."

"You can't do that," he replied softly. "I know getting into a school like that means too much to you. I think there is another solution . . ."

Julie was shaking her head from side to side when the ringing of the phone interrupted them both. She walked across the room to answer it.

"Hello?" Julie asked. A pause. "Dean *Rattner*?"

Nick put down his bagel.

"Yes, I know who you are. You signed the rejection letter I received a couple of weeks ago."

Don't piss him off, Julie, Nick implored silently.

"Excuse me? What? A *clerical mistake*?" Another pause. "What? I've been *admitted*?"

Nick could barely control himself.

“Yes! Of course! I’ll come down first thing Monday morning to pick up the materials! Thank you, Dean Rattner.”

Major League Ditto, thought Nick.

Julie, dumbfounded, hung up, triggering an explosion of laughter from Nick.

“I -- I -- I got *in!*” she announced breathlessly.

Nick smiled broadly and hugged her tightly, vowing to himself that he would never undermine her accomplishment by disclosing the events that had amazingly led to this spectacular outcome, nor would he ever forget the incredible understanding and compassion that had been demonstrated by a total stranger.

“That’s wonderful news, Julie,” Nick responded truthfully. “I couldn’t be happier.”

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Lawrence Savell, Esq., is counsel in the New York office of Chadbourne & Parke LLP. His stories have appeared in numerous publications. His “*Law Review: A Love Story*” appeared in the March/April 2003 issue of the Vermont Bar Journal.