

Character & Fitness

by Matthew Taub

CHARACTER & FITNESS

Opening Chapter to
DEATH OF THE DYING CITY
A Novel by
Matthew Taub

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Chapter 1:
Character & Fitness
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It was a rather mundane, almost formulaic way to bring a crushing end to a career, Mark Newstein thought as he waited for his ethics committee hearing to begin. Yet despite this cynical, disengaged assessment, Mark remained paralyzed by fear. He could feel his heart pounding in his chest, every seemingly innocuous sight and sound— of workers gossiping while coming back from coffee break, or the receptionist's banter with a postal worker delivering a package— putting him further on edge. Mark was excitably unhinged, but also extremely fatigued— he hadn't slept properly in several days. He tried to focus on anticipating the questions he would soon face. The committee would surely be asking him about his conduct, and the questionable conduct of other members of his workplace, over the past few years. It wasn't every day that a law office boasting multi-million dollar profits, closely affiliated with another highly-visible firm advertising a catchy "1-800" number on every subway car, television channel, billboard and radio station throughout the metropolitan area suddenly ceased to exist. The committee would want to know why.

The New York State Bar's Departmental Disciplinary Committee occupied a modest, mid-level suite in a rather ordinary office building downtown. Manhattan's own Ten Downing Street, the nondescript appearance belied its enormous stature and power. When lawyers are first licensed to practice law, they are approved

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by a separate Committee on Character & Fitness; the “DDC” was its own distinct entity that, depending on the circumstances, could later find that character to be sorely lacking. The committee had the power to reprimand, censure, sanction, suspend, and even disbar lawyers deemed unfit to continue practicing law. Mark Newstein was their next case to review.

Mark presented himself that morning in proper business attire, but otherwise was completely disheveled— unshaven, his auburn hair a shaggy mess, posture edgy, movements discombobulated. Hand gestures twitched with nervousness. The static silence of the committee's waiting room provided little solace. He couldn't bear to read anything while he waited; instead, Mark simply began to reflect on his seemingly short-lived career. A young man at the end of his twenties, he had only practiced for a short period before it all came tumbling down. Shrewd and savvy enough to do well in his industry, he still knew well the ethical boundaries he never wanted to cross, regardless of whether there were repercussions. It was therefore with particular irony, and utter disbelief, that he marveled at the circumstances in which he found himself. The truth was that his fervent commitment to honesty and integrity, rather than saving him from this place, had only ushered him here more quickly.

As for his private life, his “relationship” with Stephanie, if it was even a proper title, seemed to be over. How long had it been now since she stopped returning his calls? A part of him always knew they were doomed, but it was torture to think of her reluctant engagement to the man of her mother's choice. He thought of the mother, that bossy cow, and her obscene desire for that smiling moron. The wedding seemed inevitable now. Mark kicked himself for being so poor a judge of character.

And then there was the City itself, permanently deranged. In the mere half decade Mark worked as a lawyer, the Big Apple was dragged, kicking and screaming, from its former destitute dereliction to present-day gleaming modernity. While briefly achieving a pleasant homeostasis— that sought-after nexus between ghastly grit and sanitized sedation— it didn't last. As ever more

sprawling middle class and creative havens were re-imagined as high-end locales, the new world priced itself out, made unaffordable as quickly as it became accessible, wiped clean of any character and instead morphed into a tourist's playground, a cartoonish and corporate viewing spectacle. The ephemeral places and faces Mark knew were dying out, knocked over as they were like dominoes. As the dynamic metropolis he knew and loved came to an end, it seemed Mark would follow right along in it.

Yet as the minutes ticked by and Mark became more resigned to his fate, an unanticipated wave of relief came over him. Others he knew and worked with would fare worse— there might even be criminal indictments when everything was over and done— but Mark had no legitimate concern about his own livelihood or freedom, other than the impending loss of his license. Assuming only his credentials would be stripped away, Mark thought about other possible interests and careers he might pursue, cautiously at first, but then excitedly even. While the pay cut would be severe, the responsibilities and headaches would be far, far less. A smirk came across Mark's lips, convinced he would actually be *benefitting* by any harsh judgment handed down. Unbeknownst to the committee, they would be unshackling him from a constant barrage of implausible scenarios and untenable conditions. Yes, he would be happy to leave his legal career behind. Finally, he would be free.

Just then, a young gentleman emerged into the waiting room— *younger than me, even*, were the words Mark thought to himself. This boyish presence had fair skin, slick black hair and matching glasses that hugged its sideburns, all of it accompanied by a tight-fitting, fashionably grey pin-striped suit. He more appropriately belonged in a *Gentlemen's Quarterly* fashion shoot than the staid confines in which they now found themselves. As he casually strolled into the waiting room and offered a friendly glance to the receptionist, this easy-going sensibility appeared unburdened by any large volume of work, or truly vexing issues.

Mark could not possibly imagine this man was a lawyer.

He had not earned any wrinkles in his face; there was no thinning hair, no bags under the eyes. At best, he must be a clerk, or a paralegal. The gentleman's entrance into the waiting area had to be mere coincidence. But Mark's assumption was wrong.

"Mr. Newstein?" GQ said, introducing himself as an attorney with the DDC. Mark rose from his seat with a look of disbelief. "Please come this way," he instructed in a pathetically overly-friendly tone, as if seating Mark at a trendy restaurant, wobbly sidewalk cafe table at the ready.

Mark was unnerved, dismayed to think that this person, so seemingly distant in his orientations, might be privy to the events his professional career, or in any way be equipped to judge him. As they walked together and chatted further, Mark's concern deepened. A pure academic, the toddler-teacher examined legal quandaries of fellow attorneys as part of an abstract, philosophical exercise. He never actually practiced law, with real clients and cases of his own. His analysis would be wholly divorced from the tragic, horrific decisions compromised people were forced to make, the trade-offs of integrity over solvency, dignity over loyalty. Mark doubted Junior Debonaire would be able to even fathom the state of affairs at his (now former) law firm over the last several years, what he had been through, or his current state of mind. By this point, Mark was barely able to understand his state of mind himself.

Nonetheless, Mark followed this young gentleman to a conference room. There, he discovered two other individuals already seated at a large table. Exhibit A was a stocky older male, bald head, modestly fashionable suit, stern appearance. Exhibit B a middle-aged woman with brown, wavy locks, pleasant facial features, potentially more sympathetic, but also clearly wary of displaying any emotion. If Mark was told anyone's name, his mental haze failed him, inhibiting his ability to register and record them in his mind. Hoping to avoid awkwardness in a pretext that already allowed for an abundance of it, he simply engaged in conversation, hoping that their names might come out again later. In any case, it was clear enough that they, and not the younger dapper fellow, would decide his fate. At first, Mark

felt relieved, a cultural chasm removed from the list of his concerns. But he soon became *more* nervous, sensing that the two older attorneys, while potentially better equipped to fathom his circumstances, might nonetheless only condemn him more harshly.

"Thank you, mister, uh..." Exhibit A paused, looking down at paperwork, "Newstein. Ahem... thank you for, uh, coming." The Bald Baron of a man was raspy, slow moving, his fumbled approach making for a grating anti-climax. "I want to, hmm, make a few things clear. Before we get into everything. Well, how do, I—hmmph." He hesitated over his words in a manner that was exasperating. Mark wanted him to just get on with it. Was it possible to be bored at one's own execution?

Sensing an opening, the young attorney took the mantle of the conversation.

"The first thing we want to tell you," GQ said, glancing back at the other two and receiving what he thought were nods of approval, "is that you don't have anything to worry about here."

Mark was shocked by this statement; he had been awaiting his beheading. But despite the supposed good news, he remained wary, maintaining composure. Perhaps the statement was merely a euphemism—a demand for his candor, despite the likely negative consequences he may face regardless. In any event, Juvenile Esquire continued.

"We've done a preliminary evaluation," he explained, tapping Mark gently on the shoulder, "and, while there are some distressing circumstances here, you're likely not going to be in any trouble."

Mark glanced at the two elder lawyers, who gently, hesitantly indicated their agreement. In disbelief, Mark remained silent still.

"I can assure you," Baby Leech went on, now fully leaning in to Mark with a heartening tone and tender smile, "that you have a long, long career ahead of you." Mark's wariness of the young lawyer blossomed into contempt. The line, and the body language in which it was delivered, came across as rehearsed, as though this

pre-pubescent dress rehearsal for a human being now smudging into him had been taught to utter it, ever so tenderly.

For Mark, having just convinced himself of the wonderful, stress-free lifestyle he might soon relish upon his departure from the legal world, the words were not a source of comfort, but a devastating return to his miserable existence. This resignation surprised the DDC lawyers, who thought their pronouncement would be a source of relief. In fact, they were only keeping him in the chains of a stressful and taxing profession.

"Is something wrong?" the youthful pencil-frame playing grown-up asked.

"This is all... just a bit much," Mark managed to offer. He had an urge to throw up.

"Let me clarify something," Bald Baron interrupted. His demeanor suddenly changed. Mark had misjudged him; there was a fury of energy he had on reserve. Bald Baron was mere resting lion, waiting warrior ready to pounce. "You're not out of the woods just yet." He had a hint of regret in his voice, knowing that Mark may have been misled by the earlier comments the younger lawyer made to him. Mark didn't know whether to be amused by the shift in the committee's position, or to fault himself for not seeing it coming. Leave it to lawyers, he thought, to clarify everything with a caveat, an exception.

"To put it quite candidly," Bald Baron continued, "there are others you were associated with who we are also investigating. Their conduct is... how should I put this?" He treated them all to another painful pause. "A much greater *focal point* for us. At least for the time being."

"I see," Mark acknowledged. He felt like a rat, about to dish the dirt on his accomplices— though he had always been disgusted by the conduct of his cohorts, and others he was forced to associate with in order to conduct business. He never wanted any part in their antics, and distanced himself as much as possible. So why did he nonetheless feel ill about divulging anything?

“To be clear, we reserve the right to bring disciplinary action against you,” Sympathetic Sally finally chimed in. “But we're willing to hold off on doing so, perhaps permanently even—depending on what you say.”

“What should I say then?” Mark was surprised by his snarky contribution in this dour scenario.

“Look, we've been following this Fiedler firm for years,” she continued, brushing a hair out of her face, a strand that had drooped forward from the slight twitch when she spoke. “I know that's not directly the firm you've been working for, but it's obvious there was a close connection. We've known for ages now about their unscrupulous conduct, the abhorrent abuse of clients. We sanctioned them a few years back, if you remember.”

“I remember.” Mark left it at that for the time being. He remembered, and then some. But he still wasn't sure he wanted to divulge to the committee the horrid extent to which he was aware.

“We only likely scratched the surface,” Bald Baron added, now with visible anger, clearly frustrated that the prior investigation failed to produce more fruitful results. Lines in his forehead collaborated together as a stash of arrows, ready to attack, Mark the prime target. “And now you're here, in an ethical predicament. So, YOU are going to help US.” He smiled tightly with satisfaction, but then continued, the upward arc of his lips quickly dissipating. “We want the *full* accounting— a complete explanation of *everything* that went on, *when* it happened, *how* it happened, and *why*.” His fists pounded the table in staccato bursts as he spoke.

Mark was contemplating full disclosure, but this forcefulness had taken him aback. Sensing that this might have come across as too probing, Sympathetic Sally tried to smooth things over.

“We just want to hear your side of the story,” she advised. “Tell us the things you saw, however bad they may have been. Let us get the view from your angle. If you do, you just might be able to get out of here. Can you do that?”

Mark glanced at her, and then at Bald Baron and GQ Baby, looking on encouragingly. Again, he was in disbelief as to his whereabouts. It was as if the world has played a trick on him. He was in a play, or a movie. This could not actually be his real life.

Mark looked down at the table, and felt the weight of his memories.

“I can do that,” he said.

