

When Horses Fly

by Nan Cuba

Gerald's law practice wasn't new. He'd worked on the law review and finished near the top of his class thirty years ago. After earning his J.D., he'd gotten a master of law in taxation. His favorite cases required researching legal precedents, and he enjoyed debating theory and legal history with friends. At \$150 an hour, he should've been able to pay bills and still take home a comfortable profit. In fact, it would've been more than he needed—he preferred smaller, makeshift, secondhand—and enough to impress Harriet. Instead, he always ran on empty, scrambling when a bill was due, using quarters from his change jar for gas, reluctant even to take Harriet to a restaurant or movie, "Because," he'd say, "we probably shouldn't be spending that money right now." Most of his former classmates were rich. Why, Harriet asked, couldn't he make enough to cover everything? She worried that everyone else wondered that, too.

Every week day, Gerald read contracts, making copious notes. He took clients' phone calls, explaining his progress, calming fears about the IRS, postponing document revisions and research until the weekends when, instead of fly fishing, he could work uninterrupted. He had only a part-time receptionist, a recent high school graduate he hoped he could train to file and fill out forms. His office was a single room in the back of an old house that needed paint. No air conditioning or heat, but the rent cost less than his phone. Although his suits were professionally cleaned and pressed, his cuffs were frayed. He used spot remover on his ties and shirt fronts. A dent creased the right side of his car; the side-view mirror hung from two blue wires and swayed whenever he turned a corner.

Once, a prospective client pointed outside the receptionist's office window at a maroon Dodge that rattled into the parking lot. "I'm glad that's not *my* lawyer," he said. Later in the waiting room, the receptionist introduced him to its driver, Gerald, who was handling the case. When Gerald got home that evening, he found Harriet in

her personal office. After sharing the receptionist's story, he laughed.

"That's not funny," Harriet said. She sat at her desk where she'd been checking housing statistics on her computer. "What's the matter with you?" She took off her glasses, slumped in her ergonomic chair. Her right hip felt like a nail had been shoved into its joint. "It's embarrassing." She didn't care if she sounded critical. She couldn't stand him being the butt of a joke. "We've got to get you a different car."

"Yeah, right after our trip to Europe." He'd wanted her to laugh, but as soon as he said it, he cringed. He fiddled with unopened mail on the glass-top table next to her desk.

"You know what? I'm tired, Gerald." Her chin quivered as she raised it higher. "I kill myself in an impossible market, *impossible*, but whatever I bring home evaporates."

"I know, I know," he mumbled. What could he ever do to repay her? he wondered. He still couldn't believe that she'd married him. Sometimes, though, her disappointment felt like a dreaded day in court. "Please stick by me just a little while longer," he said.

Turning toward her desk, she closed her eyes. She couldn't bear his sweet, broken expression. "Your problem is you don't have enough confidence." She stood then squeezed Gerald's arm. "You've got to believe in yourself to earn other people's respect."

"I've got a plan." He sat in her mother's antique chair but didn't dare lean back.

"Okay," she said, clasping her hands, determined to show support. Usually he avoided serious conversations, so she clamped her mouth shut, telling herself not to interrupt.

"From now on, I won't accept cases from people who can't pay. I'll weed out the old ones—it may take a while—but from now on, I'll only take jobs with good fees. Promise." When Harriet smiled, the muscles in Gerald's shoulders relaxed. "The white horse might fly," he said and winked.

Harriet chuckled at his coded message. It was the punch line of a joke he'd told while still in law school, when they'd excitedly planned

their future. At each subsequent disappointment, they'd buoyed each other with this reminder, the joke long forgotten, Gerald's point that even when considering the impossible she shouldn't give up hope. Somehow, this always charmed her.

But she wanted him to get the respect he deserved, to be admired for his mind instead of being known for his frayed sleeves and junky car. She'd waited a long time to be free from the stress of too much debt. Did he *need* to be in a state of crisis? She'd heard of people like that, but for the life of her, she couldn't understand it. Would he finally collect what was due, including admiration, even praise? She pictured a newspaper article about him winning a trial based on an obscure bit of case law he'd found, complete with his photo, secondhand suit and all. Could his plan work this time? She wasn't sure, but she certainly wanted to find out.

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The Brownbacks lived on a small farm in the hill country. He was a plumber, but he hoped to quit someday and live off winnings from rodeo competitions, supplemented by selling horses he'd bought and trained. But this plan was new, with more expense than profit, so Mr. Brownback deducted those costs from their taxes. The IRS didn't see this side work as a legitimate business, so the couple was charged \$25,000, which to them was enormous. When a former client of Gerald's heard about their problem, he advised them to ask Gerald for help.

Sitting in Gerald's cracker-box office, they told their story, and then Mrs. Brownback pulled the IRS letters from her purse. Their penalty would have to be paid with a loan. Gerald listened, knowing he shouldn't take their case, but he finally said okay. Legal points of argument had aligned like algebraic equations, his calculations tempting him to try. The Brownbacks, Gerald explained to Harriet, shouldn't have to pay more taxes. It would be difficult to persuade the agent, but Gerald was sure he could save the couple a significant

amount. He didn't tell Harriet that the Brownbacks were practically destitute.

Along with his tax practice, Gerald sometimes handled transactions, so when the owner of a nearby subdivision asked for representation in a contract dispute, Gerald agreed to take the case. The man obviously could afford Gerald's hourly rate. He explained how the costs would be calculated, and the man told Gerald to proceed. For a whole month, Gerald worked on this case. He met with the homeowners' association and negotiated in his client's behalf. He parsed language in the agreements and persuaded the spokespersons to agree to every one of his terms. When Gerald announced this to his client, the man was outraged. "Where are their *back* payments?" he asked. "I thought you were supposed to be some kind of big-brain hot shot. This wasn't our agreement." Gerald thought he'd made himself clear, but maybe not. He didn't argue. He didn't explain.

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When the Brownbacks heard they had to pay only a tenth of the IRS penalty, the same amount they had in savings, they invited Gerald and Harriet to lunch. The four of them sat around the Brownbacks' kitchen table eating venison chili. Harriet felt a draft even though the doors and windows were shut. *I'm glad I'm not the agent for this house*, she thought. Above the sink, a clock with a chicken painted on its face hung next to a Christmas card image of the Last Supper. Harriet was animated, chatting, gesturing with her hands. She patted Gerald on his back. Now, she thought, he's finally keeping his promise, and before long he won't have to scramble. *People will notice*.

But Harriet didn't know that Gerald had arranged for the Brownbacks to pay his fee in monthly increments of fifty dollars. Nervous about his wife's reaction, he decided to break the news on their drive home.

“Nice people,” Harriet said as Gerald pulled onto the highway. “I really like them.” Mesquites threw their ragged limbs toward six black clouds hooked together like a train. The sun cooked lizards and grass snakes to numbed stillness. Three cows lounged like cats under the only scrub oak in an open field. Gerald said sleeping cows were a sign that fish weren't taking bait. Recalling that, Harriet then remembered the story behind his law-school joke's punch line: Once, a king decided to give his death-row prisoner a reprieve when the man claimed he could make the royal horse fly. “If you can't, you'll be drawn and quartered,” the king announced. The other prisoners laughed when they heard what this man had done. Then he pointed out that unlike them, he'd have another year to live. “And,” he said happily, “who knows? That white horse just might fly.”

Gerald had enjoyed showing Harriet off to his clients. He noticed her cheeks, still soft, and her girlish mouth. “I'm glad they got to meet you.”

Smiling, Harriet wiggled in her seat. Gerald's compliments had a boyish exuberance, but they were rare. She'd been awed by the Brownbacks' spartan lifestyle. She wondered how people coped in such austere surroundings and hoped her sympathy hadn't been obvious. She wondered if they'd already paid Gerald and if he felt guilty taking their money. He'd better not, she thought. He's a professional, and collecting a fee is part of his job. “I'm glad you were able to help them,” she said. “You're so good at cases like that, ones that seem hopeless, then you somehow find an answer.” She stroked the back of his neck, rubbed his shoulder.

Her compliment was the sign Gerald needed. “And they'll pay their fee eventually,” he said, turning on his wipers as the first drops of rain hit the windshield, “even if it takes them a while.” He flipped the knob back and forth, the wipers' whacking sluggish then crazed. Thankfully, Harriet sat still. Before she could say anything, he tapped the brakes then sped up again, glaring at a driver who passed.

Harriet stared out the front window, trying not to be a distraction. He'd mistakenly hit his left blinker, but she looked straight ahead, quiet.

"Not like that guy with the subdivision," Gerald said turning off the signal. When he glanced toward the mirror, Harriet, like a judge with folded arms, hovered at the edge of his view.

Harriet wanted to ask what he'd meant by "eventually," but any trouble with this other client was too big to put off. "Wait a minute. You said the subdivision owner agreed to your hourly rate."

"Yeah." He gunned the engine, fumbled with the cruise control switch.

"So, what are you saying?"

"He's a crook." The rain had stopped, but Gerald left the wipers on, their worn rubber blades screeching with each swipe.

"What do you mean? What happened? You worked a whole month on his case." She'd been calculating the fee, hoping this guy would recommend Gerald to his bigwig friends.

"He never intended to pay." Gerald mashed the accelerator, pulled out of his lane, passed a car. So far, the judge hadn't moved.

"But he can't do that." Not again, Harriet thought. This was too much. She didn't care that his mood was making him drive like a lunatic. If she had to, she'd tell him to pull over. She slapped the arm rest. "You're a lawyer, sue him."

"I may do that. Counter sue, I mean." *Set the hook*, he thought.

"Counter sue who? I'm lost again." Harriet felt ambushed, yanked like a fly on Gerald's fishing rod.

"I mean I'll sue his ass for suing me." She knew he'd never do that, but she liked when he talked tough.

"*He's suing you?*"

"Yeah."

"For what?" Harriet hated not understanding but didn't want her questions to sound like an attack. He'd need his confidence boosted if he had to justify himself in court.

"It means he doesn't want to pay his bill, and in order to avoid that, he's filed a nuisance suit."

“How big a problem is this? Should I be worried?” Gerald didn't carry liability insurance. Harriet wasn't mad anymore, just scared. She forgot about the Brownbacks and prepared for the worst.

“He can't win, but it's knocked me pretty low.” Gerald's jaw muscles flexed. He'd managed to pull Harriet through to his side, but this confession felt like a hatchet in his chest. He squeezed the wheel, rolling his hands back and forth, his fingers squeaking against plastic. “I've never thought anything like this could happen to me.” His sigh cushioned a moan.

He looked like he might cry. “Who would?” Harriet almost shouted. Gerald wouldn't even join a professional Web site because someone might accuse him of shady advertising. She remembered the long weekends and his meetings with the homeowner's association. He'd been so proud when he told her they'd agreed to everything. “You're the most ethical person I know,” she said. “What you sacrifice for people...” She realized that instead of having more money, they'd now have less. People would think he'd done something wrong. But she couldn't hurt him by mentioning that. He already had too much on his mind, and she refused to drag him down further. They'd have to work together, get through this crisis first. Thankfully, she'd married a legal genius. “You'll figure it out,” she said.

Harriet's reassurance was the reprieve Gerald needed. Tilting backward, stretching his tense muscles, he gazed out the window. He'd driven this road a hundred times, but for some reason, signs and trails didn't look familiar. Had he missed the turnoff? That blasted sky was no help, empty as his pockets. Whistling, he winked at Harriet. He'd be damned if he'd let her know he hadn't planned this.

