

CHAPTER TWENTY-FIVE



Once I retrieved my vehicle from the area designated for non-cronies, I made my way down Brandywine Boulevard for about a mile and a half, until it intersected with the Interstate. Upon journeying onto the federally-funded Interstate, I felt as if I had extracted myself from a lawless, Wild West environment. It seemed incredible to me that in less than a half-hour, I would be in Center City Philadelphia. That such blatant, overt and unlawful favoritism was displayed in a suburban jurisdiction just 20 miles from the nation's fifth largest city was incomprehensible to me.

It wasn't as if I were an Armani suit-wearing Los Angeles attorney with slicked-back hair, who had filed suit in a jurisdiction well out of his realm. I was a Philadelphia-based attorney who had filed suit in a county bordering Philadelphia.

The Philadelphia skyline soon came into view. At that moment, an odd emotion overcame me. The feeling was similar to that which I had experienced during the times in which I had traveled to Europe. During a trans-Atlantic journey originating in the northeast United States, one boards an aircraft in a metropolis where American English is spoken and gas guzzling SUVs dominate the thoroughfares. Seven hours later, one is transplanted into an alternate culture in which the inhabitants speak a different tongue, and all of the cars are of the econo-box, fuel-efficient variety.

When I saw the Philadelphia skyline, I felt as if I had been rapidly transferred back home from a very foreign, scary place.

Since I was on official firm business and knew that I would be reimbursed, I opted to splurge and park my car at the One Liberty

Place garage, where the daily parking rate was \$34.00. While New Yorkers might consider such a daily parking rate in the very heart of the business district to be a steal, by Philadelphia standards, 34 bucks for a day of parking was extraordinarily steep. What the hell did I care, though? The Lubranos were paying.

As I exited the elevator and prepared to walk into the office, I saw, through the office's clear plate glass entryway into the reception area, the image of an extremely irate Kristin screaming at somebody on the phone. My worrisome instincts told me that Vinny had already done something bad – very bad – to her, which had brought about the screaming. In twenty minutes, I would be in Walt Krauss' office explaining to him why I had facilitated a client's efforts to sleep with a member of the staff, thereby subjecting the firm to civil liability. As I neared the office door, Kristin was not only performing her patented pissed off South Philly-girl head and upper body gesticulation, but she was doing so with an unlit Marlboro Red clamped in between her right index and middle fingers, which were adorned with white and orange polished three-quarter inch nails. Knowing Kristin, these signs pointed to her anger level being at nuclear meltdown stage.

I held my breath and walked in the door, afraid of what I was about hear of Kristin's argument with Vinny.

"No, you did *not* just say that, you motherfucker! Don't you friggin' talk to me like that, or I'll come over there and kick your ass!" She shouted, with a red face and flaring nostrils. If at all possible, she was hotter while angry, than while not angry.

Walking past the polished marble reception desk, with all intentions of simply ignoring Kristin and her conversation, she stopped me in my tracks. As if a different person had entered her body, she immediately lost the angry puss, put on one of her famous flirtatious receptionist's greeting faces and said,

"Oh, hi, *Ale-ixx!* Weren't you going to say 'hi' to me? That's not very nice, you meanie. *Hail* was court? Did you win?"

Confused, I said,

"I'm sorry, Kristin – you seemed to be a little preoccupied – I didn't want to disturb you."

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Holding her hand over the mouthpiece of the phone, she whispered,

“Oh, that’s just my dad on the phone. He’s such an asshole! He told me that he ain’t gonna cover the insurance co-pay on my birth control pills no more if I keep missin’ mass on *Sundee*. I’m a friggin’ awesome Catholic. I miss, like, one mass and he’s ready to disown me. My older sister is, like, 29, has three kids from three different dudes, and he still pays the co-pay on her birth control pills – so I just don’t want to hear that shit.”

“Thanks for the info, Kris. I really need to be getting back to my office.”

“O.K.. Bye, *Ale*.”

Thank God. Lubrano hadn’t yet Lubranoed this particular woman. I would definitely make it a priority, though, to advise my top client that he might want to consider using multiple forms of birth control when having sex with my receptionist in the future.

After passing Kristin’s desk, I swung by the break room, grabbed a decaf – black – and entered my office and turned on my computer. With a few exceptions, such as the recent Lubrano Complaint drafting all-nighter, I only drank decaffeinated coffee. I had converted to decaf a few years prior, when, during a three week trial, I had overdosed on coffee and stress and began to experience heart palpitations. Never wanting to again experience that feeling of knowing that I was about to die, and that in six months time, Julie would be screwing somebody better looking and more successful than I, I had resolved to drink only decaf thereafter.

I sipped my decaf and began to review the seven e-mails that had accumulated while I spent the morning in that foreign country, 20 miles away. Three e-mails were from a firm advertising attorney continuing education seminars. One e-mail contained an electronic notice of Judge Keenan scheduling a Rule 16 Conference in one of my New Jersey federal court matters. One e-mail contained the following stern warning from our office manager, Connie Borkowski:

to those who been leaving
old and smelling food in

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the fridge, please note that such practice is strickley forbidding, and every friday from now on the fridge will be emptyed. those continuing to leave theyre old food in the fridge will have to reporte to **Mr. Krauss**. thank you for your consideration, Connie :)

Even more disturbing than the notion that the firm was paying an office manager to police the company's refrigerator, was that Connie was actually a high school graduate.

Another e-mail was from Nick Carlson, who advised, to all firm Associate attorneys and Paralegals,

YOUR BILLABLE HOURS ARE
DUE IN THE COMPUTER
SYSTEM AT THE CONCLUSION
OF EACH DAY. I HAVE
MADE THIS POLICY CLEAR,
TIME AND TIME AGAIN.
NEVERTHELESS, CERTAIN
ASSOCIATES AND PARALEGALS
HAVE EITHER CONSCIOUSLY,
OR SUBCONSCIOUSLY CHOSEN
TO DEFY MY ORDERS. THOSE
OF YOU WHO KNOW ME WELL,
KNOW THAT I REFUSE TO BE
DEFIED. I AM A VETERAN
OF 26 JURY TRIALS. IN
THOSE TRIALS, I AM 25
AND 1. I DON'T ACCEPT
PERSONAL FAILURE AND I
DON'T ACCEPT FAILURE
AMONGST THOSE AROUND ME.
DO NOT FAIL ME. DO NOT
TEST ME. FROM THIS POINT
FORWARD, THOSE FAILING

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TO ENTER THEIR BILLABLE
HOURS IN THE COMPUTER
SYSTEM BY THE END OF THE
DAY WILL BE ASKED TO
STAY HOME THE FOLLOWING
DAY AND THINK ABOUT WHY
THEY COULDN'T FOLLOW THIS
SIMPLE INSTRUCTION. AFTER
A SECOND OFFENSE, THE
OFFENDER WILL BE ASKED
TO GO HOME AND TO NOT
RETURN. START STEPPING
IT UP, PEOPLE. BE GUIDED
ACCORDINGLY. N.C.

Nicky sure had a way with words. Ironically, though, after receiving his e-mail, at least half of the Associate and Paralegal staff would place calls within 24 hours to head hunters, in the hope of obtaining alternate employment.

There were diplomatic and effective means by which to remind employees that billable hours were to be timely entered. Nick was apparently unfamiliar with such means. Paradoxically, between two and three employees would likely end up resigning because of his e-mail and the firm would be forced to pay tens of thousands of dollars to head hunter firms to replace those employees. Moreover, tens of thousands of more dollars would be wasted training such new employees until they became financially productive. So, in summary, by virtue of Nick displaying such bold and impressive bravado in his "respect me" e-mail, ostensibly for the purpose of generating money for the firm, the firm would undoubtedly be set back in excess of \$100,000.00.

My final e-mail appeared to be of the scam variety from one of those Nigerian or Congolese Ponzi scheme groups that lures you in with the promise of a nine-fold return on your investment then steals your kidneys, or something. The message was curious, though, because the firm's SPAM filter caused me to seldom receive unwanted e-mails. Also, unlike the SPAM e-mails that I

often received, this one was addressed specifically to me, and was written entirely in French. It read:

à: Alexander Brown, Avocat à
la Cour
Krauss, Carlson, Whitby,
Miller and White, Cabinet des
Avocats
1601 Market Street
PHILADELPHIE
ÉTATS-UNIS

Objet: Prendre un avocat

Monsieur:

J'ai besoin immédiatement
d'un avocat à Philadelphie
pour m'aider avec un procès
international complexe.
Cet avocat doit avoir une
expertise dans le droit de
la construction et doit être
immédiatement disponible. Je
peux proposer des honoraires
élevés. Veuillez me contacter
immédiatement par téléphone
à +33-1-42-51-17-03, si
vous désirez de plus amples
renseignements.

Veuillez agréer, monsieur
l'expression de mes
salutations les plus
distinguées,
Jean-Luc LE GUEN

LE GUEN, S.A.
230, RUE DES BERNARDINS
75005 PARIS
FRANCE

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The e-mail, from a Jean-Luc Le Guen in Paris, indicated an immediate need to hire a Philadelphia-based attorney specializing in the area of construction law, to assist with a complex international lawsuit. It further indicated that excellent legal fees would be paid in exchange for the services rendered.

After fully ruling out that the e-mail was garden variety SPAM, I considered that it had to have been a cruel joke played by one of my fellow Associates. The Associates in my office knew that my career goal involved the far-fetched fantasy of one day opening up my own firm, with offices in both Philadelphia and Paris. Plus, with the two new clients that I had brought in, I was ripe for a humiliating practical joke from my jealous colleagues. Moreover, in light of the current political climate, I took a lot of heat for being a francophone and romanticizing about French history, culture and food. When I was first hired by the firm, some of the Partners even took to calling me, “Inspector Clouseau,” based upon the numerous references on my résumé to previously studying and working in France. However, pranks were very uncommon and highly frowned upon in our extremely uptight office.

I began to weigh the possibility that the e-mail was a legitimate solicitation from a French businessman in need of a lawyer in Philadelphia. To test this theory, I performed a Martindale-Hubbell internet search of French speaking Philadelphia-based attorneys who specialized in construction litigation. Surprisingly, only three names popped up after the database had concluded the search. One of the names was yours truly. Another one of the attorneys, Nicodemo Fregosi, had died about a year prior, while in his late 80s. I knew that he had died because he was a marginal celebrity in Philadelphia, having served as counsel for many alleged mafia-connected construction outfits. His death was a matter of public interest and was reported in the local newspapers and on television.

The final attorney whom the search yielded, was a rotund looking, acne-afflicted creature by the name of Brenda Berkowitz. In addition to Brenda apparently pushing three bills, Martindale-Hubbell listed her as having graduated from law school just one year prior.

So, if this Le Guen were looking for his attorney on Martindale-Hubbell, where many sophisticated clients found their attorneys, and he plugged in the search criteria of a Philadelphia-based French speaker who specialized in construction law, he would have found a dead guy, a fat and ugly female novice and me. I liked my chances of competing for business against those two people.

The e-mail was not a joke – my ship had come in.

Flush with adrenaline, I closed my office door, finished off my decaf, took a deep breath and readied myself to call Monsieur Le Guen. It had been so long since I had dialed an overseas number, that I had to stop and think what code I had to dial before punching in the number that had been furnished to me in the e-mail. *Was it “001,” or “011”?* Upon deciding that “011” seemed a bit more familiar, I nervously tapped the number into my phone. I dialed, “011-33-1-42-51-17-03.”

After a three second pause, I heard an odd click, followed by the foreign, yet familiar steady buzzing. This buzzing on European telephone systems was markedly different from the ringing heard on North American telephone systems after placing a call and prior to the party on the other end picking up the call.

After two and a half buzzes, a voice on the other end picked up and said,

“Âllo, c’est Véronique.”

Obviously, I had dialed the wrong number. “Véronique” was clearly a woman – and a very sultry sounding woman, at that. If she was Monsieur Le Guen, then something was seriously wrong.

Embarrassingly, I responded, indicating that I had dialed the wrong number and was trying to reach Jean-Luc Le Guen,

“Je m’excuse – je pense que j’ai mal composé – j’essayais à contacter Monsieur Jean-Luc Le Guen.”

I felt like such a blithering idiot. If I had dialed a wrong number to someone in the States, I would not have given a hoot and would have moved on. In this case, I was inexplicably horrified at having dialed the wrong number of someone in France whom I would never meet, and who didn’t even know who I was.

Instead of hanging up, the woman chose to continue a discourse with me, saying, *“Non, Monsieur Brown, c’est le bon numéro – you*

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aahv dialed zee correct number.” I could have been mistaken, but this woman was giggling seductively at me. I had to get my head out of the gutter – this woman was clearly Le Guen’s secretary, or if I had called his home, it was his wife. One wrong statement or intonation could result in my blowing this opportunity of a lifetime.

Sounding like a nervous fool, I explained that I had expected a male voice to answer,

“Je suis désolé – je m’attendais à entendre une voix masculine.”

“Zat eeze O.K., Monsieur Brown. You deed nut know zat I wood be answering. Your French is impeccable – much better zan we aahd expected. Fantastic.”

“Alors, merci bien, Véronique, err, Madame, err, Mademoiselle...”

I began, not knowing whether I should call her by her first name, the matronly, “Madame,” or “Mademoiselle,” which was generally reserved for unmarried younger women. This confusion represented one of the things that puzzled me about the French. Why did they always keep Anglophones guessing?

Sensing my confusion, Véronique interrupted me, sparing me from further mortification.

“Ahh-lexx, you can call me Véronique if I can call you Ahh-lexx. Eeze zat a fair condition?”

“Uhh, certainly – I think that that’s more than fair, Véronique.”

“Alors, Ahh-lexx, let’s get down to business, shall we?”

“Please.”

“O.K., zen – Monsieur Le Guen eeze not ear to speak wiss you, but he aahd anticipated your call and directed me to let you know zee details of zee representation. I am Véronique Lescure, Monsieur Le Guen’s personal assistant. Monsieur Le Guen is zee owner of Le Guen, S.A., a manufacturer of tower cranes for construction projects. You, of course, have heard of zee company?”

“Of course, gosh, it’s an honor that you’re calling me,” I responded, without ever having heard of a company with a name even remotely sounding like Le Guen, S.A. I did, however, know that “S.A.” meant *Société Anonyme*, and was often used as a suffix after the names of French companies, similar to the way in

which American companies place “Inc.” or “Ltd.” after a company name.

“Good,” she responded, “zenn you are in advantageous position already. Zee company entered into a contract wiss Jennings Concrete – a company out of zee Philadelphie – uhh, how you say, *banlieue*?”

“Suburbs,” I shot back.

“*Exactement*. Thank you – yes – a company out of zee Philadelphie suburbs. We enter into contract wiss zem for us to sell zem two tower cranes, totaling 1.4 million U.S. dollars. After we have fabricated and were ready to ship, we get call from Jennings Concrete and zey tell us zat zey no longer want to buy. Zeeze were very special, particular tower cranes made for a very odd job zat Jennings was to build. Because of ziss, we cannot resell zem.”

I knew Jennings Concrete well. In fact, they were Lubrano Concrete’s primary competition in the Philadelphia Tri-State area. This was incredible. Once the Lubranos found out that I was suing Jennings Concrete for something – anything – they would be kissing my feet. I would be Lubrano Concrete’s attorney for life because of this.

Véronique’s story was in line with what I had heard from not just Vinny, but from other attorneys and people in the construction industry. Jennings was notorious for stiffing their subcontractors. According to Vinny, Lubrano Concrete was able to take over Jennings as the highest volume concrete construction contractor in the region, simply because Jennings had double-crossed so many contractors that they could often not find enough subcontractors willing to provide it with the necessary materials to build its projects.

Trying to sound as if I knew what the hell I was talking about, and taking a wee bit of exaggeratory license, I responded,

“Véronique, I have to tell you that this is not a surprise to me. I have seen those jokers at Jennings Concrete do this time and time again. I’m so sorry that this happened to you. My only regret is that I wasn’t able to warn you before you contracted with them.”

“God, zat makes me so mad,” she responded in her raspy Parisian accent. Despite the clear presence of long-standing

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cigarette smoking habit apparent from her voice, I was nevertheless quite confident that this woman was no older than 30. I caught myself, yet again, wondering what she looked like.

Véronique continued,

“Zey seemed so nice when we agreed to make zeeze cranes for zem – and now zey just refuse to pay us.”

“Well, Véronique, it’s a good thing that you called me. This sort of work is my bread and butter.” Again, with more than a little hyperbole, I continued, “I’ve made a career out of holding companies like Jennings accountable. Trust me – when I get done with them, they’ll think twice about stiffing someone again.”

“I like your *énergie*, Alex – you will be good for us,” she said, tantalizingly, once again forcing my mind off of business and into other arenas. “Now eehrze what we aahv to do. We need to win zee race to zee courthouse. Jennings know zat we going to sue zemm, so we need to move on ziss right away, before zey sue us in France. As you undoubtedly know, zee logistics and tax consequences of winding up in zee French court system are very unfavorable to us.”

“Of course,” I responded, once again without any idea of what she was talking about. At first glance, regardless of how the French courts resolved civil cases, it seemed quite odd that Monsieur Le Guen would go to the trouble of finding foreign counsel and litigating a case in a foreign country, when he could easily file suit on his home turf and hail Jennings into court in France, forcing Jennings to hire French counsel. In any event, I wasn’t eager to complain.

Véronique continued,

“You can file suit in Philadelphie federal court, no?”

“I can absolutely file suit right here in Philadelphia’s federal District Court, the United States District Court for the Eastern District of Pennsylvania. Jennings’ operations are located in this District and the dispute is with your company, a foreign entity. And, the matter in controversy exceeds \$75,000.00, so yes, the elements of what we call ‘diversity jurisdiction’ will be satisfied and the suit will be able to proceed here.”

“Good. I want you to make sure zat Judge Haslett is assigned to this case. You have had good fortunes with him before, no?”

Now things were starting to get a tad creepy. Véronique was correct. I had had good fortunes – very good fortunes – with Judge Haslett in the recent past. About a year back, on behalf on one of Carlson’s insurance company clients, I had gotten a multi-million dollar “bad faith” suit tossed out of court at the inception of the case on non-substantive, procedural grounds. Judge Haslett authored a 65-page opinion dismissing the case. Since I had briefed and argued the Motion to Dismiss, my name appeared on the opinion. Lawyers with access to Lexis Nexis or Westlaw could have easily found the opinion online in a matter of seconds. It seemed exceedingly odd that Véronique, presumably a non-lawyer, and a foreigner at that, would know of that case.

“Véronique, unfortunately, I cannot select what judge is assigned to this case. There are currently 36 judges sitting on the federal District Court bench in Philadelphia. The selection of the judge is done completely at random, by the Clerk’s Office.”

“Well, do you know anyone at zee Clerk’s Office who can make sure zat Judge Haslett is – never mind – zee judge doesn’t matter.”

Thankfully, she cut herself off before asking me to exert sway in the Clerk’s Office.

“Eeze zeese case interesting to you?” she asked.

Oh, maybe just a little interesting – the same way that learning that I had the winning Powerball ticket might have slightly piqued my interest.

“Absolutely. I would love to be able to work with you and Monsieur Le Guen,” I responded.

“Good, I wanted to hear ziss. You will mitt in person wiss Monsieur Le Guen ziss Friday, yes?” She asked.

“Uhh,” I said, scanning my calendar, curious as to why her boss was going to make a transatlantic journey to meet me, when he could simply send me everything I needed either electronically or via overnight courier, “looks like...I’m...yep, looks like I’m free on Friday.”

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I would have been free for her on Friday even if the Phillies wanted to sign me for a one-day contract to play on that same day.

“I imagine that he’ll want to freshen up from the long flight in his hotel before we meet, so, shall we book something in the late afternoon or evening? Also, I might suggest that he stay at either the Ritz-Carlton or the Westin. They’re both within walking distance to my office and are wonderf..”

Véronique responded in an almost child-like laughter,

“No, no, you silly! In France, zee hired company come to see zee client not zee reverse. Monsieur Le Guen is very old fashioned. Monsieur Le Guen eeze not coming zare. You, Alex, ahre coming eehr.”

Wow. I was coming eehr? Was this woman serious? Was Le Guen really going to pay thousands of dollars for me to fly to *Paris* on a day’s notice for a meeting to discuss the details of a case that was to be filed in *Philadelphia*? Did Le Guen realize that he would be paying an hourly rate for my travel time? Did I have an ethical duty to tell Véronique that her boss could litigate the case more cost-effectively by filing suit in the French court system? I would give her one bit of caution to satisfy my conscience.

“Véronique, this is a tremendous opportunity, and I have no doubt that I would be able to serve you well. I feel compelled to advise you, however, that you may be making a mistake by not bringing this case in the French court system. By filing in France, you would be forcing Jennings Concrete to hire French counsel and venture into uncertain territory. I have been involved in cases in which a Defendant has ponied up money for the sole reason of not wanting to litigate in a foreign state. In this case, we’re talking about a foreign country, so it seems apparent that..”

Véronique, unpredictably annoyed, snappily responded,

“Mr. Brown, you may rest assured zat we aahv considered all of zeeze factors. Do yourself a favor and let us decide where suit is going to be filed. Zare are about 10,000 other lawyers in your city who would kill for zee opportunity to represent a sophisticated foreign client for 500 U.S. Dollars per hour. Shall I go back to searching Martindale-Hubbell for another lawyer?”

F-F-F-F-Five hundred an hour? I thought silently to myself, as my eyes involuntarily rolled back into my head. I must have been in shock because at some point, Véronique chimed in,

“Mr. Brown – *âllo? Âllo?* Are you zare?”

“*Oui, oui, je suis là* – yep, I’m here, sorry.”

“I imagine zat you will require a retainer. How much, please?”

Not wanting to sound like an amateur, I shot for the stars, expecting to be knocked down considerably.

“Well, Véronique, for a case such as this, involving a foreign client with whom this firm has not previously dealt, we need to make certain that we are protected. I would need to ask all of the Partners, but I think that we will require no less that \$30,000.00 to get started.”

“I don’t aahv time to wait for your Partners, Mr. Brown,” Véronique responded, still maintaining the curt persona that so contrasted the flirtatious tone that dominated the beginning of our conversation. “I will wire \$50,000.00 into your firm’s account within the hour. After we get off of zee phone, you will please e-mail me zee wiring instructions. Air France aahz a flight leaving Philadelphia tomorrow at 6:45 p.m., getting in to Paris at 8:25 a.m on Thursday, and US Airways aahz a flight leaving Philadelphia at 6:15 p.m., getting into Paris at 7:55 p.m. Ziss way, you will have a day to adjust to zee time change before your meeting wiss Monsieur Le Guen. Now, which flight would you prefer?”

Still feeling as if I needed to pinch myself, I answered,

“Uhhh...whichever, I suppose.”

Once again chipper, Véronique replied,

“Air France, zenn. Zee food and wine are better. O.K., zenn, it’s a date. I will e-mail you my contact information. As soon as you e-mail back to me zee wiring instructions, I will direct our bank to wire \$50,000.00 into your firm’s account. Once I have completed your travel reservation, I will e-mail zat to you as well. Have you any questions for me?”

“Uhh, not really..”

“O.K., zenn. Zee next time I see you will be in Paris. I eagerly anticipate it. Bye, bye, Mr. Brown.”

“*À plus tard, Véronique.*”

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As I hung up the phone, I felt as if I had hit the progressive jackpot on a slot machine. By the close of business, the firm would be \$50,000.00 and one international client richer. In 24 hours, I would be in an airplane over the Atlantic, at the request of a client who had searched me out. If I wasn't hot shit yet, I was damn close.

Taking Le Guen, S.A., Lubrano Concrete and Physician's Justice into consideration, I was on a pretty good goddamn roll. The days of Carlson and the other asshole partners bossing me around were going to come to an abrupt end. If all of my new projects worked out the way that I had hoped, I would soon be the one calling the shots.

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