

Everything Can Change

by

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In Memory of Michael, Sean, Kurt, Otis, and Wes

Prologue

When I was fourteen years old, on Christmas Eve in 1989, my eighteen year old sister, Jesse, gave me my first CD: Don Henley's *End of the Innocence*. Jesse's gift was borne out of necessity, rather than any sisterly thoughtfulness or love. She had received the CD earlier from an aunt, who, for all we knew, had received the CD as a gift from someone else. Jesse did not want the CD. She was a fan of Depeche Mode, The Cure, The Violent Femmes, and, of course, Prince; in the 1980's, there was an unwritten law in Minnesota that teenage girls had to like Prince. Luckily for her, she had not yet bought a present for me, so re-gifting the CD became a win-win situation for her. At least, it was, until she realized I couldn't listen to the CD in our house unless I used her Sony Discman.

The CD had not been one of the gifts on my Christmas wish list. At the time, I was not a big music fan. In fact, I only

owned one cassette, and that was the audio recording of the first *Star Wars* movie. I have always been a bit of a geek; a fan of science fiction, fantasy, horror, and superhero stories. As a result, my list consisted of things like the *Indiana Jones* movies on VHS, books by Stephen King, Raymond Feist, Stephen Donaldson and Robert Jordan, and superhero t-shirts.

It was my first CD, though, at a time when CDs were relatively new, so it was still a big thing for me. After my family of four had finished unwrapping presents - - none of which included any *Indiana Jones* movies - - I went to my bedroom with Jesse's Discman and listened to the CD a couple of times. After a while, I decided I liked it.

Over the next three or four months, I listened to the *End of the Innocence* constantly. After Jesse and I had our third fight over my use of her Discman (only three days after Christmas), my parents bought me my own Discman. I took it and the CD everywhere I could, listening to the music while I was reading or as I fell asleep at night. Out of all the songs on that CD, I probably listened to *New York Minute* the most. I had a fascination with New York City at the time, and the song seemed to sum up life, especially in the City (well at least to a small-town boy like me) perfectly.

If you had asked me at the time what the song meant, I

would have told you that it was about how, in an instant, a person's life could change from great to horrible, and that we need to appreciate what we have. At 14, I had never had such an experience, but that didn't stop me from believing that I "understood" *New York Minute's* lesson.

Of course, at 14, I was certain that I would be one of those lucky ones who would never have to experience that lesson first hand.

Chapter 1

I stared out of the office window as the afternoon sun bathed the New York City skyline. The June sky was bright blue with a few snow-white, billowy clouds floating in it. The clouds were the type that resembled objects or animals, like elephants or regal lion heads. A commercial jet flew past one of the clouds on its descent into La Guardia Airport. I followed its path, as it flew behind the Chrysler Building, which sparkled in the sunlight. The Chrysler Building was my favorite building in Manhattan, and after living in New York City for six years, I was still in awe of it. I loved the stainless steel tower and its Art Deco styling. On each side of the tower, seven concentric sunburst patterns rose upwards giving the building a futuristic, yet classic look that, in my opinion, epitomized New York City. Whenever I looked at it, I couldn't help feeling inspired and hopeful.

The plane soon flew out of view, and I reluctantly turned my eyes to the office's occupant: Elizabeth (not Liz, not Beth, and certainly never Lisa) Jennings, who was reading a file that I had given her a few minutes before. Elizabeth was a short woman with a brunette bob haircut and thick rimmed glasses. When I had met her two years before, I instantly realized that she was the spitting image of Velma from the Scooby Doo cartoons. That is if Velma wore expensive suits instead of a frumpy orange sweater and brown skirt.

Elizabeth was sitting behind a tan L-shaped, faux-wood platform desk. Various law books including *Black's Law Dictionary* and *Basic Trial Advocacy* were on a bookshelf on the wall above the desk. A laptop computer sat on the desk next to neatly organized stacks of papers and files.

Elizabeth's office was virtually identical to the offices used by all associate attorneys at Garrick Knight, Scott, & Grant, the large and prestigious law firm for which we both worked. Like all of the other associates, Elizabeth had added her own personal touches, such as her diploma from Harvard Law School and photographs of her hiking in various locales. Elizabeth was unmarried and, to my knowledge, was not dating anyone so I assumed that she went hiking with two guys, a girl and a talking dog.

"Good job with the outline, Jack," Elizabeth said, after she finished reviewing the file. "And this Ramstein case that you found. It's perfect." Elizabeth and I were both in the litigation department, at that time, in 2003, Elizabeth was a sixth-year associate and I was a third-year. We were preparing a motion to dismiss a large class action lawsuit brought in New York state court against our client, National Mutual Insurance, a gigantic property and casualty insurance company. The case was essentially a breach of contract case, similar to most of the cases that I had handled in my three years as a lawyer. The plaintiff, Richard Kopf, claimed that National Mutual had underpaid him for damage covered by his auto insurance policy. Mr. Kopf also claimed that National Mutual had systematically underpaid millions of other policy holders as well. It wasn't a "sexy" case. No movies starring George Clooney would be based on the case, nor would any episodes of television shows produced by Dick Wolf or David E. Kelley.

However, the case was important to Garrick Knight, and therefore to Elizabeth and I, because Mr. Kopf was seeking hundreds of millions of dollars in damages for himself and for those policy holders allegedly injured by Garrick's actions. National Mutual had not been satisfied with the law firm that previously handled its cases, and had retained Garrick Knight to

represent it in the matter. The partners at Garrick Knight, including Mike Goldman, the senior partner of the case, had accepted it, knowing that it would bring in millions of dollars in legal fees for the firm. If the case was defended successfully, National Mutual would likely hire Garrick Knight for future cases, and more money would pour in.

As the senior associate on the case, Elizabeth was responsible for carrying out the day-to-day management of the case and supervising my work. I was responsible for doing the legal research and writing the first draft of the brief. While doing the research, I had found the Ramstein opinion, an obscure Massachusetts case reported in a law journal five years earlier, in which a judge dismissed a lawsuit that was virtually identical to the one brought against National Mutual.

"Yeah, it is good," I said. "I just wish it was from a New York court. Hopefully, the judge will see that the law is the same in New York." I wondered, not for the first time, how to trick Elizabeth into saying "jinkies;" perhaps, if I said "zoinks."

"I think we'll be able to convince him," Elizabeth replied. "Let's discuss timing." Elizabeth was smart and ambitious, as were all of the attorneys who worked at Garrick Knight, including myself. I worked fairly well with her, but she could

be a little intense. Although given the fact that she would be up for partner in a year and a half, her more severe nature was understandable.

"Today is June 5th," continued Elizabeth, "and the motion has to be filed on the 20th. I know that we discussed having a draft ready for the client by the 17th, but since this is their first case with us, they want to see the brief by next Friday, the 13th. So, Mike told me that he wants to see a draft by next Wednesday." *Ruh-roh!* I thought. That was not good news. "That means I will need the draft by Monday morning. I hope that you don't have any big weekend plans."

My heart dropped. I did have some plans with a friend, Kyle Robinson, and his wife, Rachel. Kyle was a fifth-year associate at Garrick and one of my closest friends. We had planned to take Friday afternoon off and spend the weekend on the Jersey Shore at a summer house that Kyle and Rachel had rented with friends. I had been looking forward to the trip for weeks.

"Nothing major," I lied as I started to calculate what I would need to do to finish the draft by Monday morning.

"Okay," Elizabeth replied. "Mike wants the brief at twenty pages or less. I'll write the introduction, which will be no more than three pages. That gives you seventeen pages for the rest of the brief. Do you think you can do that?"

Just barely, I thought. "Yeah, I think so," I said. "If you don't mind, I was thinking of working at home tonight."

"That's fine. I know that you will get the work done," replied Elizabeth. "It's why Goldman wanted you on the case."

"Thanks," I said, enjoying the compliment, until I remembered the change in weekend plans. Disappointment replaced elation.

"You're welcome. Let's talk tomorrow morning and you can give me an update." I nodded my head. "Have a good night." With that, Elizabeth turned back to her laptop.

"You, too." I stood up and left Elizabeth's office. My office was to the left, but I turned right. I had to break the news to Kyle and I didn't think he would like it any better than I did.

* * *

At 6:00 pm on a Thursday night, or on any weekday night for that matter, Garrick Knight's offices are quite busy. The administrative assistants had left for the night, but virtually all of the attorneys, including the partners, and paralegals would be there late into the evening. Many would grab dinner at the office cafeteria and eat at their desks. After dinner, they would sit in their offices, in conference rooms or in file rooms, staring at their computers, or reviewing documents. The main lights in the hallways and common areas would stay on until ten at night, but many of the offices and conference rooms would

stay lit long after.

Like lawyers at every law firm, everyone was concerned about their billable hours. The more time they spent working, the more time they could bill. For partners, more hours billed meant more money in their pockets. For associates, more hours billed meant a better chance to become partner, which in the long run meant more money in their pockets.

When I arrived at Kyle's door, he was busy typing on his laptop. Kyle kept his office tidy, although it was not as orderly as Elizabeth's office. Kyle also had a radio on his desk which he often used to listen to Yankees and Jets games. Pictures of Rachel and his two year old daughter Megan were on his desk and bookshelves. Next to the radio, Kyle had placed a photo of himself and Don Mattingly that he had from a fantasy baseball camp he attended a few years back.

Kyle had curly black hair and was four inches shorter than I am. Like many others at Garrick, including myself, his skin was pale and he was a little overweight from working long hours with little exercise. His yellow tie was loosened and his blue business shirt was open at the neck. Not for the first time, I acknowledged that Kyle's work attire was more stylish than mine, but I attributed that to his wife, Rachel, rather than Kyle's own personal sense of style.

Kyle turned from his computer and saw me. "Smalltown, how are you doing?" he asked.

I originally met Kyle during my first week at Garrick, when I was assigned to a case representing a famous talent agency, a case Kyle had been working on for two months. When we met, Kyle asked where I was from, and I made the mistake of telling him that I grew up in a small town in Minnesota. From that time on, Kyle's called me "Smalltown." Sometimes, he would call me "Ritter," and, very rarely, "Jack." In retrospect, I was glad I hadn't told Kyle that I grew up in a farm town.

Kyle was the quintessential New Yorker. He was loud and brash, and busted my balls all the time, especially when the Yankees beat the Twins. However, he was also very intelligent, funny and loyal, and was the closest thing I had to a mentor at the firm. Kyle often provided me advice that helped me stay sane as I worked the late hours required at Garrick.

"Okay," I said as I sat in one of the two chairs in front of his desk. "How are you doing?"

"I've been better," Kyle answered. "We just got word that the Qualtech trial has been scheduled to start in the second week of August and it will probably last a month. That means trial prep starts next Monday."

"That sucks," I said.

"Well, more reason to enjoy this weekend, right?"

"Unfortunately, I don't think I'm going to make it," I said, and then quickly described my meeting with Elizabeth.

"Shit," Kyle said, shaking his head. "Goldman should have pushed back on the client. You could have had a couple extra days."

"You know he wouldn't do that," I said. "National's a new client and he wants to keep them happy. He wouldn't rock the boat at the start of the relationship."

"Yeah, you're right," Kyle replied, and then pointed his finger at me. "You shouldn't have agreed to be on this case in the first place. You've got enough other cases, and you've been working your ass off for the last six months. You should be taking a break instead of working on another case."

Kyle had a point. During the previous three months, I had been working virtually around the clock, including weekends, on a summary judgment motion on a different case for another client. In fact, I had worked at least ten hours every day in May, except for Memorial Day. We had finished the motion at 2 a.m. on Memorial Day, and I walked out of our office building, just as some other people were leaving the bar across the street, including one couple whose display of affection bordered on the obscene. Jealous of their freedom, I took a cab home and

spent the rest of the day in bed or on my futon watching television.

Because of that workload, I had planned to take time off from work during the first weeks of June and August. I didn't have a real vacation planned in June. I had hoped to hang around the City, catching up on television, books and movies, and spend the weekend with Kyle and Rachel in Jersey. However, two days after Memorial Day, Mike Goldman and Elizabeth came to my office and asked me to join their team on the National Mutual case. At Garrick, associates had a little flexibility in their case assignments. If an associate felt that he or she had enough work or had a vacation planned, they could turn down a new case assignment. As a result, I could have turned Mike and Elizabeth down with no repercussions. However, Mike explained how important the case was, and how it could be a career maker for me. He didn't promise that the firm would make me a partner in four years if I joined the team, but he made it clear that such an outcome would be more likely if I did. Ambition had swelled within me as I thought of the possibility. Assuming that I could keep my weekend plans with Kyle, an assumption that was reinforced by the original proposed drafting schedule, I agreed to work on the case.

"You may be right," I told Kyle. While I wasn't happy that

I had to cancel my plans, I didn't regret the decision to work on the case. "But this is a big case. This could be huge for me."

"I get it," Kyle said, "but you need to be careful. If you keep working like this, without a break, you're going to burn out. You need to take time for yourself every now and then."

"Don't worry," I reassured him. "I've got a week's vacation planned for the first week in August. I'll be heading home for my ten year high school reunion. I'll be fine."

"Alright, but I wish you were coming this weekend," Kyle said, as he picked up a Nerf baseball and started tossing it in the air. "Rachel's high school friends, Allie and Sophie, will be there, and I like them, but I don't enjoy spending an entire weekend alone with three women. Plus, Rachel was thinking you and Allie would hit it off."

"I don't know. I've met her, and she is cute ..." *But not my type*, I thought.

"You two haven't *schtupped* already, have you?" asked Kyle, with a grin. Like many New Yorkers, Kyle frequently peppered his speech with Yiddish terminology. During my time in the City, I had learned a few words myself. *Schtup* was my favorite, and not just because it represented one of my favorite activities. I loved the sound of it. It was a perfectly ridiculous word for

sex.

"No, I never *schtupped* Allie," I replied. "Why would you think that?"

"Well, you've *schtupped* so many of Rachel's friends, it's hard to keep track."

"I have not *schtupped* many of her friends."

"What about Kim?" he asked.

"Okay, she and I *schtupped*." I said.

"And Robin?"

"We had a bit of a kiss and a cuddle in that booth at Chumley's, but we didn't *schtup*."

"'Kiss and a cuddle,'" Kyle said with a smirk. "Where I come from, they call that second base."

"Which phrase do you think women like better?"

"Good point," he conceded. "Alright. What about Susan?"

"Rachel's sister?" I said defensively. "I never touched her."

Kyle laughed. "I know. I just like giving you shit."

"Keep that up and maybe I won't let you guys set me up anymore." I bluffed. In the past two and a half years, both Rachel and Kyle had set me up with a few single women they knew. The date with Kim over a year before had led to a short, two month relationship. The other attempts had not panned out.

"Well, we can't have that," said Kyle. "You work too much to meet women on your own, so if you don't hook up with Rachel's friends you'll never have sex again. And then who will I live vicariously through?"

"I didn't know that my sex life was so important to you."

Kyle ignored the comment. "Plus, if you're not going to let Rachel set you up, she's not going to let me hang out with you anymore."

"And why is that?"

"Rachel is like any other woman in a committed relationship," Kyle explained. "She has a compulsive need to set up her single friends. She's like a germaphobe, but it's not germs that make her antsy. It's single people."

I laughed. "Or maybe she's just like you and she wants to live vicariously through stories of her friends' sex lives."

"Hey, that's my wife you're talking about," said Kyle, sternly, and he threw the Nerf baseball at me. As I caught it, his face broke into a huge smile. "Seriously, I wish you were coming with us."

"I know. So do I," I looked out Kyle's window, which faced east and gave him a decent view of the East River and Queens. "Tell you what; the brief is due on the 20th. I'll take off the July 4th week, and I'll come to the Shore then." I threw the

Nerf baseball back to him.

"Deal," he said, catching the ball.

"Well, I should get going if I want to get work done tonight," I said. "I'll see you tomorrow before you leave."

"Sounds good, Smalltown. Good luck tonight."

"Thanks," I said, standing up. "See ya."

* * *

The various Garrick Knight legal departments, such as the litigation, intellectual property, and corporate departments were located on seven different floors in the 57th Street building. On each floor, the attorney offices and conference rooms were located along the perimeter, so that each room had a window view. The administrative assistants and paralegals were located in cubicles in the interior area.

Along the office walls on each floor were various prints, paintings and photographs, each portraying New York City in various ways and time periods. Garrick Knight was formed in New York City in the 1930's, and, in 2003, was one of the oldest and most successful law firms in America. Over the years, the firm had opened a number of other offices, both in the United States and in Europe and Asia, but the New York office remained the firm's headquarters. The art in the New York office celebrated that fact.

I looked at some of that art as I walked to my office, which was located on the west side of the 30th floor. My window didn't face any cool landmark. Instead, I could only see the brick façade of another office building located next to our building. Still, I was luckier than the first-year and second-year associates, who were doubled up in their offices.

While my office was not as organized as Elizabeth's and Kyle's, it wasn't a mess either. Files and papers weren't stacked neatly, but they were stacked and each stack was organized by case. Like Kyle, I had a radio next to my laptop, although, when I listened to the radio, I listened to talk shows on WNEW. Next to the radio, and attached to some speakers was my newest, favorite possession: an iPod that I had bought three months before. It had taken me almost that long to burn all of my CDs, numbering over two hundred, onto my home computer, but it was worth it. Once the music was transferred my iPod, I could listen to it wherever I went. The music represented a variety of genres, from Alien Ant Farm and Annie Lennox to Van Morrison and Weezer. The majority of the music though, was from the 1990's, a mixture of alternative, power pop, grunge and rock music.

I didn't have any personal pictures in my office, but on one wall hung two framed movie posters from the first *Star Wars* and *Superman* movies. As I grew older, and despite playing

college football, I had retained my geek interests. I bought new comic books every Wednesday; watched TV shows, like *Farscape*, *Buffy the Vampire Slayer* and *The X-Files*; and read sci-fi and fantasy books, like *Harry Potter* and the *Song of Fire and Ice* series.

Looking at the posters, I smiled as I recalled a conversation that I had had a couple of months before with another third year associate, Hal Allen. Hal had asked me whether the posters were meant to be inspiration to me. When I asked him why, he pointed out that both Luke Skywalker and Clark Kent were both farm boys who left their farms for a larger world, where one became the savior of a galaxy, and the other became Superman. He noted that, while I wasn't a farm boy, I had left the Minnesota farm country for New York. I told him that I hadn't consciously made that connection, but sub-consciously, who knows?

I sat down at my desk and quickly checked my e-mails to see if there were any important messages. Finding none, I shut down my laptop and started to pack up. My telephone rang and the Caller ID screen displayed the work telephone number for Sarah Danvers, a current friend and former girlfriend. I had met Sarah in my first year of law school when I had waited tables part-time at a restaurant in Hoboken, New Jersey. Sarah had also been

a part-time waitress, working full time as an unpaid intern at an advertising agency. We started dating about two months after I started work at the restaurant. The relationship lasted a turbulent and passionate six months. After Sarah broke up with me, she quit her job at the restaurant, while I spent weeks listening to break-up songs like Dire Straits' *Romeo and Juliet*.

We didn't see each other again until three years later, when, by coincidence, we both attended the same party on the Upper West Side. It was an awkward meeting, but after a few drinks, we were reliving old times and catching up on our lives. Sarah was now a full time employee of the advertising agency, still single and lived five blocks from me on the Upper East Side. I offered to share a cab with her that night and she accepted. We also ended up sharing her bed.

We had a great time that night, but the next morning, we both realized that another relationship would not work, so we decided to remain friends. Over the next two years, about once or twice a month, we would have dinner, hang out at a bar or a party, or watch a movie together. On a few occasions, when neither of us was seeing anyone, we would have sex. As Sarah put it, we were "buddies," because "friends were friends, but buddies get to sleep with each other." After hearing that pronouncement, I never used the term "buddy" to refer to a male

friend again. The last time we had slept together was the previous December, right after she broke up with her boyfriend, Dean, one of the biggest jackasses I had ever met.

I hit the speakerphone button, and said, "Jack Ritter." I almost always answered the phone as if I did not know who was calling, even when I thought I recognized the number. During my first year at the firm, I didn't answer the phone that way. I answered a call that I thought was from a law school buddy, by saying "Wassup?!!" The call was from a partner who was calling from his home. The partner was not happy, and I learned my lesson.

"Hey Jack, it's Sarah," she said, in a light, bubbly tone. "How are you doing?"

"I'm okay, Sarah. How are you?"

"I'm good," she said. "Listen, my team just finished a huge project at work, and we're going out to celebrate at Culture Club." Culture Club was an '80s themed bar in Midtown. "Want to join us?"

At that moment, I desperately wanted to say "yes." I was really bummed about canceling my weekend plans, and I was not looking forward to another night of work. A night out with Sarah would go a long way to easing the disappointment and stress I was feeling. I also could use some of the female companionship

that I thought I heard promised in Sarah's voice. Even a little kiss and cuddle would have been great. Other than Sarah, I had not kissed, much less *schtupped*, anyone in the past eight months. I had gone on a few first dates, and two second dates, but that was it. I was in a drought, and I wasn't happy.

Talking to Sarah, though, I knew that I had no options. In order to finish the draft by Monday morning, I had to work that night, and every night until it was finished.

"Ah, Sarah, it sounds like fun, but I have a big brief due on Monday. I'll be working on it tonight, and all weekend."

"That's too bad," she said, her voice full of disappointment. "I haven't seen you in a month. I've missed hanging with you."

"I know. I've missed hanging with you too. I've been really busy lately, and haven't seen much of anyone."

"Well, if you change your mind, you know where to find me. Good luck with the brief."

"Thanks. Have a good night," I said, with a sigh. *The drought continues*, I thought as I hung up the phone. I packed my laptop and my files into my computer bag, and grabbed my iPod. As I left my office, I donned my earbuds, selected the shuffle option, and pressed play. *Semi-Charmed Life* by Third Eye Blind started as I walked out the door.