

The Brief of My Life

I've defended murderers, rapists, burglars, and drug dealers. In my public defender days I represented a woman who threw her baby off a bridge and an eighty-year-old granny who whacked her husband with a frying pan when he complained about her cooking. You name a heinous crime or a major human transgression, and I've defended it. Or imagine the worst marriage in the history of the world, and I've represented the worst half of it.

And now what?

"I need a big favor," said Joe Baynard, judge of the Charleston County Family Court, when he called this morning. He's forty-nine, just a couple of days younger than I am, but otherwise we are totally unlike, which is why, come to think of it, I fell in love with him, and also probably why he is now my ex.

"No more pro bonos," I protested. I already had six or seven court-appointed cases on my plate, cases for which I would be paid next-to-nothing for God knows how many hours of work.

“Let me tell you about the case,” Joe said. We were on the telephone, but I knew from the tone of his voice that he was picking his fingernails and heard him slide open his desk drawer to deposit a sliver. He always picks his fingernails when he’s agitated.

“One of these days Betty’s going to find your stash,” I said. Betty is his secretary.

“What?”

“All those fingernails.”

“I empty the drawer once a week now.”

“I guess even the most hardened criminals can be reformed,” I said.

I heard him close the drawer. “I really need your help, Sally.”

I hated it when he got like this. It brought back all the guilt. Why couldn’t I just despise him, like any normal ex-wife?

“But aside from doing me a favor, it’s a really fascinating case,” he continued.

“Last time I took one of your ‘fascinating’ cases, I had to borrow money to keep my practice going.” I’ll never forget that one: he’d appointed me to represent a nine-year-old in a custody battle that went on for two years—with motion hearing after motion hearing, a six-week trial—at the end of which the dad, who’d been ordered to pay my fees, disappeared.

“There’s plenty of money in this one,” Joe said. “I’m going to order some interim fees to whoever represents the dog.”

“The dog?”

“He’s a schnauzer.”

“Are you kidding?”

I heard him shuffle some papers. “Yeah, that’s right. A *miniature* schnauzer.”

“Since when does a dog need a lawyer?”

“This dog needs one. I’ll have Betty copy the file for you, so you can get up to speed.”

“Joe,” I tried to sound firm, “I don’t represent dogs. I don’t even know why—”

“If I’m not mistaken, you’ve represented plenty of dogs in your time. Plenty.”

“Ha, ha.”

“And this particular dog is charming.”

“I don’t like dogs.”

“I have a picture right here . . . very cute dog. So, you’ll do it?”

“Explain why a schnauzer needs a lawyer.”

“Because he’s tying up the case, and the case is tying up my court. I’m surprised you haven’t heard about it,” said Joe. His voice broke. “I feel like . . . like I’m losing control.”

“Are you okay?”

“Can we have lunch today?” he pleaded.

“I don’t think Susan would like that very much.” Susan is Joe’s wife.

“We can eat in my chambers.”

“I don’t think that’s a good idea.”

“We’ve been divorced for eighteen years,” he said. “You think anyone cares if we have lunch together to talk about a case?”

“Susan might.”

“Believe me, Susan doesn’t care.” Was that bitterness in his voice, or was I imagining it? “I’ll ask Betty to order some takeout. You still a vegetarian?”

“Yes, but not vegan anymore.”

“Just tell me what you eat.”

“Vegetables. Cheese. Beans. No meat.”

“What about one of those Greek salads from Dino’s?”

“Fine. Dressing on the side.”

“It’s great that you’re still a vegetarian,” he said.

“You always thought it was an affectation.”

“But it’s good for the dog . . .”

“What?”

“I mean for your relationship with the dog.”

“I don’t have relationships with dogs,” I said.

“I could argue with that.”

“Anyway, what difference would it make to the dog . . . my being a vegetarian?”

“It shows respect for animals,” Joe said. “I have my lunch break at one thirty. You’ll be here?”

“I’m preparing for a trial.”

“Please, Sally.”

He hadn’t said “please” that way since the day I left him.

My favorite law school professor used to say that the most important thing about a legal brief is that it be what it claims to be: *brief*. State the facts concisely, he’d say, without losing anything essential. Judges don’t have time for irrelevant information, no matter how interesting. Make your arguments in plain language. Nobody wants to wade through a swamp of “therefores” and “howevers” and twisted syntax.

“If you had only twenty-five words to state the facts of your life,” this professor used to say, “what would you write?”

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B.A. University of South Carolina, magna cum laude

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Married Joseph Henry Baynard, divorced after five years

True enough so far, but I've left out that afternoon when Joseph Henry Baynard took Sarah Bright, aka Sally, to his basement apartment near the law school, luring her with a plea for help with Constitutional Law, but mixing Constitutional Law with a little vodka and tonic and some Beatles on the boom box. Somehow Joe and Sally found themselves dancing and laughing, then falling exhausted onto Joe's sofa (that threadbare thing he'd covered with a batik bedspread) and laughing some more, then kissing, both surprised at how good the kissing was.

In the Brief of My Life, doesn't that afternoon matter as much as my birthplace, my degrees? My career?

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And in the Brief of My Life, what about that morning in the ladies' room of Baynard, Baker, and Gibson—Joe's family firm, the venerable firm of his father and his grandfather—my head bent to my knees, the pain I'd been ignoring all morning grinding deeper in my pelvis? I hadn't even been sure I was pregnant. I was doing my best that morning not to think about it, but this miscarriage was undeniable, and with it the other things I didn't want to think about: my misery at the firm ("You never even tried to fit in," said Joe) and my failure as a wife ("You never really wanted this marriage, did you?").

What really matters in the Brief of Life, as I'm just now beginning to understand, is what you won't read about yourself in the alumni news or your local newspaper—your loves, your joys, your losses, your grief. That grief that almost pulled you under, the quiet daily struggle just to stay sane.

If I died today, in this my forty-ninth year, you'd see my obituary in tomorrow's *Post and Courier*. If you stopped to read it, perhaps you'd be impressed by a life so full of accomplishments. You'd have no clue, reading that Final Brief, what a mess I've made of it.

The file for *Hart v. Hart* is really a collection of files, enough to fill a cardboard box.

"Betty's working on copies for you, but it may take a while," Joe says. He's already started on his chicken sandwich.

"I haven't agreed to take the case." Nevertheless I reach for the file labeled *Pleadings*.

"Eat your lunch while I give you a summary," he says. The salad is drowning in dressing, but I'm hungry. "Mrs. Hart filed for divorce at the end of July—"

"Jesus. All that paper already?" I motion toward the files.

"I told you, the case is out of control."

"Who represents the wife?"

"Henry Swinton."

"That weasel."

"It would be improper for me to comment," Joe says, winking.

"And the husband? Who's the lucky lawyer?"

"Michelle Marvel."

"She of the marvelous short skirts and low-cut blouses?"

"I never noticed."

"Right."

"She's smart as hell," he says.

"Smart enough to use that short-skirt-and-sweet-smile routine to throw you off guard until she opens her mouth and venom comes out."

"That's going a bit far," says Joe.

“I said it, not you.”

“But so far,” I talk through a mouthful of salad, “you haven’t exactly won me over.”

“I never *could* win you over.” There’s a catch in his voice that makes me nervous.

“Don’t start.”

“Anyway,” he continues, “Mrs. Hart alleges that her husband has committed adultery. He counterclaims habitual drunkenness. They’ve been married for almost forty years.”

“So, they must be at least in their sixties?”

Joe nods. “She’s living in their beach house, Sullivan’s Island. He’s in the house downtown . . . East Battery.”

“What about assets?”

“They won’t be starving anytime soon. The real estate alone is worth a fortune.”

“I don’t get it. This seems like your standard rich people’s divorce. Some boozing, some playing around, assets to be valued and divided—probably close to fifty-fifty—maybe some alimony, but no minor children, no custody battle. So what do you need *me* for?”

“It’s the dog, Sally. They’re fighting over the dog.”

“The dog is just personal property. No different, in the eyes of the law, than a car or a chair or a pair of candlesticks, right?”

“This dog is different,” he says. “He’s tying up the case. He has the potential to tie up my whole docket. This dog needs a lawyer.”

“I fail to see how throwing another lawyer into the mix is going to—”

“Actually, what I have in mind is a more like a guardian ad litem. Somebody to protect the interests of the dog, do an investigation, make a recommendation to the court, just like in a custody case. And somebody who just might shine the light of reason on the situation.

I'm going to appoint you on my own motion, unless they object," Joe says.

"This is ridiculous!"

"There's a hearing Monday, ten a.m. You might want to do a little research beforehand. If this were *your* dog, wouldn't you want the best for him?"

"I've never even . . . I mean, it's been a long time since I've had a dog."

"I remember. One of your cardinal rules for an uncomplicated life: no dogs. No houseplants. And no more husbands." He smiles. Everything dear about him is in that smile. I stand up to go. I want to get away from the flush rising up my neck to my cheeks.

"But you do have a lot of common sense and a low tolerance for bullshit, which is why I need you on this case," Joe continues. "By the way, how's your mother?"

"She has Alzheimer's." My mother has lived with me since the diagnosis two years ago.

"I'm sorry to hear that. Give her my regards, would you?"

"And you give my best to Susan."

"I would, except we're separated."

"Oh, Joe, I'm sorry. When?"

"A couple of weeks ago. It's a long story. I won't bore you with it." I know him well enough to know he really means *Please listen*, but I can't stay. After all this time I still feel our breakup like a sharp pain, an old wound that flares up just when I think I'm fully healed. "Thanks for doing this, Sally."

"You take care of yourself," I say. We shake hands, and I'm almost out of the door when he says, "His name is Sherman."

"What?"

"The dog's name is Sherman."

Lost Something

I don't have children, but I'm not childless. My mother is my child.

Every morning I wake her and make her breakfast. I coax her into finishing her scrambled eggs, bribe her with the promise of a Milky Way if she'll take her pills. On weekdays I settle her in front of the TV with the morning paper, which she pretends to read until Delores, the sitter, comes at eight. Delores is a cross between a saint and a drill sergeant, with infinite patience and a no-nonsense toughness that my mother respects. Without Delores, we'd be lost.

Even so, I call home two or three times a day to make sure things are going okay. After work I fix my mother's dinner, rotating her old favorites: spaghetti and meatballs, baked chicken, pork chops. I don't eat these things anymore, but I like having someone to cook for. Most of the time she has a good appetite, but every now and then she refuses to eat. "Don't wait," she says, pushing her plate toward me. She means, "Don't waste."

"I'm a vegetarian, remember?"

But of course she doesn't remember. After dinner I help her into the shower, help her lower herself onto the plastic chair she uses so

she won't fall. I wait close by until she finishes, retrieve the soap when she drops it, make sure she washes thoroughly. After the shower I sit her on the end of her bed and help her work her arms through the sleeves of her nightgown, tuck her in, and then I read to her, her old favorites—*Travels with Charley*, *The Wind in the Willows*—until she falls asleep.

On weekends Delores is off, and though I sometimes use another sitter, my mother doesn't like her, so I spend most of my time at home. If I have work to do—which is almost always—I put Mom in front of the TV or let her listen to Frank Sinatra with earphones.

Sometimes we sit on my little balcony overlooking Charleston harbor. The balcony is a blessing, which makes up for living in this otherwise charmless high-rise. I give my mother the binoculars, and she'll watch the sailboats and the container ships go by while I work at my laptop.

She has good days and bad days. On her good days she can be talkative, even comprehensible, but this is a bad day and she is mostly silent, every now and then uttering a single word—"bird" or "flag" or "boat,"—and then I'll look out at the water, too, grateful that her mind can still connect to an object and name it. Occasionally she'll say something that seems to come from nowhere, like "Isn't it a mystery?" or "Forgot my umbrella" and rather than confuse her with a query, I simply nod and say yes.

Most Sunday mornings I drive her to Grace Episcopal Church for the eleven o'clock service. We sit near the back in case she wants to leave before the service is over, but most of the time she can make it through the whole hour. She has trouble remembering the prayers and she can't follow the words in the hymn book anymore, but sometimes I hear her humming along. I can't tell how much of the sermon she

understands but at least she seems soothed by the sound of the minister's voice, or perhaps she's pleased just to have her daughter sitting next to her in church.

Her doctor has warned me that these relatively peaceful days won't last forever, that her "spells"—outbursts of agitation or anxiety in which she cries for no reason and paces back and forth in front of the TV, or wakes at night screaming—will come more often, and that she may stop eating.

"What will you do then?" Ellen asks. Ellen Sadler is my best friend, a prosecutor with a heart, as close to a well-balanced person as I've ever known.

"I guess I'll have to buy those liquid supplements. I think she'd like the chocolate."

"No," says Ellen, "I mean, when you can't keep her at home."

"I can't think that far ahead." This isn't true, because of course I've thought about it. The truth is that I hope my mother will die before I have to make that decision. I can hardly admit this to myself, much less to my friend. And it isn't just that I want my mother to die for *her* sake—how many times did I hear her say she wouldn't want to live if her mind were gone?—but I want her to die for *my* sake, because I'm not at all sure I'm capable of mothering my mother much longer, and I promised her I'd never put her in a nursing home.

"Well, you know I'm here for you," says Ellen. And she is, of course, but even Ellen can't put herself in my place, can't imagine what it's like. Nobody can, unless they're living it. "Are you coming to the book club meeting?" she asks.

"I haven't read the book."

"Come anyway. You haven't been in months," she says. "Want me to pick you up?"

“I’d have to arrange for the night sitter . . .”

“You can’t just hole up every night with your mother,” Ellen says. “She wouldn’t want that for you.”

Ellen is right, of course. But then almost nothing about my life is what my mother wanted for me.

My mother wanted me to get just enough education to carry on an intelligent conversation, but not so much, God forbid, that anyone would ever mistake me for an “intellectual.” She wanted me to be able to earn a living, but only on a temporary basis while I supported a husband through law or medical school, or in case of dire emergency, such as sudden widowhood. “You’d make a wonderful administrative secretary,” she’d say, “or a teacher.” She’d gone back to teaching after my father died. But—though she never actually said this, I knew what she thought—it would be a bad idea for me to think about a *career*. “Those women can be so . . . oh, you know . . . men don’t like them.”

My mother wanted me to have children—two or three, more than that would be tacky—and do volunteer work with the Junior League and church committees and learn to play a civilized sport that would keep me from getting fat. Tennis or golf, maybe, with stylish outfits.

She wanted me to have a nice house, kept spotless by a maid who’d come no less than twice a week, and a big yard full of azaleas and camellias, tended to by a black man who knew to knock on the back door if he needed something but did not expect to be invited inside.

What she wanted for me was what she’d always wanted for herself.

The night before the first hearing in *Hart v. Hart*, Mom and I sit on the balcony at sundown. I do some research on my laptop while she watches a Navy cruiser head out toward the ocean. When it’s time to go inside she says, “Lost something.” She’s always losing things—the

TV remote, her purse, her toothbrush—but this time she points to the photograph that has slipped out of the file and fallen to the floor.

I reach down to get it. “Want to see my newest client?” I ask her. “His name is Sherman.”

She studies the photo, runs her index finger over the dog’s face: lively dark eyes, long whiskers, pert black nose. Then she hands the photo to me. “I’m so sorry . . .” she says, her voice, as always these days, a little shaky.

“What, Mom? What are you sorry about?”

“Our dog . . .”

“We don’t have a dog.”

“Brownie.”

“That was a long time ago. Don’t worry about it. You thought you were doing the best thing for him.”

“He might . . . He might come back.”

“No, Mom. He won’t come back. You gave him away, remember?”

But of course she doesn’t remember.

Love Gone Bad

In a country where half of all marriages fail, we're still pretending divorce doesn't exist, and Courtroom 4 of the Charleston County Family Court reflects that. It's a cramped room—nothing like the grand space of the “big court,” the criminal court, which has a different set of judges and a great deal more prestige. Family court is a world unto itself, a court with an inferiority complex, and though the county has just spent millions on renovations, no amount of money can change that. It's a place of sadness and secrets, booze and bruised faces, battered lives. There are no juries here, just the beleaguered judges who sit day after day listening to the latest installment of “Love Gone Bad.”

My ex-husband Joe, who's been a judge for ten years now, says family court is where we hide our dirty laundry. In the criminal court, we air it out. During particularly gruesome murder cases the benches are packed with people. Here in family court, though the proceedings are technically open to the public, there's a tradition of secrecy and barely enough room in the courtrooms for the litigants and their lawyers.

It's strange: The most sensational and gruesome murders may shock us, frighten us, but they don't *shame* us, because we think of the

accused on trial downstairs as not at all like us. He's another kind of being, a "monster," a "maniac." He's evil. We tell ourselves we could never do what he's accused of. The sins that truly threaten us, that fill the transcripts of the family court, are the private betrayals, the quiet little violations that go on every day in our homes and families. If we haven't yet committed sins like these, we know we're capable of them.

I sit on one of the two benches behind Mrs. Hart and her lawyer, Henry Swinton. On the other side of the courtroom are Mr. Hart and Michelle Marvel. We rise when the court reporter comes in and expect the judge to follow, but the reporter's just retrieving a file from the last hearing, so we'll wait some more. Mrs. Hart and Henry Swinton ignore me, conferring with each other in whispers and mumbles. Michelle Marvel takes this opportunity to shake my hand. Her lips open to reveal her very white and remarkably straight teeth, teeth made even more startling by her thick red lipstick.

"This is my old friend Sally Baynard," Michelle says to her client, although we are not and have never been friends. "Sally, this is Rusty Hart." Mr. Hart doesn't look capable of committing adultery, though I try not to jump to conclusions. Everything about him has gone gray: his eyebrows, which need trimming, his sparse hair, even his eyes. The buttons of his gray jacket strain against the push of his belly.

"Baynard," he says to me, "Isn't that the judge's name?"

Michelle Marvel jumps in before I can answer. "We can talk about that later, Rusty." She pulls him back to his seat. Mrs. Hart and Henry Swinton are still whispering, their heads almost touching. They could be a couple, though I know Henry's at least a decade younger. They both have the same impeccable rich-Southern-White-Protestant taste in clothes and trim, well-maintained bodies.

At last the court reporter opens the door behind the bench. "All rise," she says. Joe follows close behind in his rumpled black robe. He

once told me how much he hates the robe. What he really means is that he hates his job. He thought it would be a stepping-stone to a judgeship in the big court. It wasn't. His family connections won't be enough anymore, and he dreads the politicking and the necessary self-promotion.

"Please be seated," Joe says. He opens the file, nods to the court reporter. "Motion hearing in the case of Maryann S. Hart v. Russell B. Hart. Actually, two motions. Mrs. Hart requests a reconsideration of the court's temporary order insofar as it gives her possession of the residence on Sullivan's Island, and Mr. Hart moves for temporary custody of the dog, who . . . ah . . . which . . . who is now, ah, in Mrs. Hart's possession. The parties have both submitted affidavits in support of their positions."

Henry Swinton rises as quickly as pomposity will allow. "Your honor, it's my client's position that the motion for custody of the dog should be dismissed as a matter of law. A dog is not—"

Judge Baynard has anticipated this. "We'll hear Mrs. Hart's motion first, since it was filed first. Mr. Swinton, please tell me why it is necessary—pending a trial of this case—for your client to move out of the Sullivan's Island house into the home downtown. As I'm sure I don't need to remind you, the court is not inclined to modify temporary orders."

"Your honor, as you know, Mrs. Hart's decision to separate was not made without a great deal of—"

"Mr. Swinton, tell me what's changed here. A month ago your client said she preferred to stay in the beach house until trial."

"Yessir, that was our position, but Mrs. Hart has found it too painful—at this point Swinton pats his client's shoulder as she dabs her eyes with a tissue—"to live in the house that was the scene of Mr. Hart's adulterous relationship."

Michelle Marvel rockets upward, her short skirt showing off her legs in all their glory. “My client absolutely denies any such conduct,” she shouts, “and further, Mrs. Hart had already obtained the detective’s report—which, by the way, certainly doesn’t establish adultery—before the first hearing in this case, when she asked for temporary possession of the beach house.”

“I’m not deaf, Ms. Marvel,” Joe says, “and nobody in this room is deaf. Now,” he nods toward Henry Swinton, “I’m waiting for you to tell me why your client can’t make herself happy—not forever, mind you, but only until a trial in this case—in a nice house on the front beach in one of the best communities on the East Coast.”

“Judge,” Henry Swinton perseveres, “Mr. Hart’s paramour lives next door to the Sullivan’s Island home. Under the circumstances, Mrs. Hart feels—”

A protest rumbles up through Rusty Hart’s throat and explodes into the air. “Paramour? That girl’s not my *paramour*, for God’s sake. She’s just a friend. But while we’re on the subject, why don’t you ask my wife what she does when she disappears for hours at—”

Judge Baynard cuts him off, but kindly. “I’m afraid you’ll have to let your lawyer do the talking, Mr. Hart. Mr. Swinton, anything else?”

“As your honor will see from my client’s affidavit, she also feels that Mr. Hart isn’t able to manage the housekeeping at the downtown house. Friends have reported that the place is a mess.”

“Isn’t there a maid?” asks Judge Baynard. “I seem to recall that there are maids for both houses, isn’t that right?”

“Yessir,” replies Swinton, “but as your honor can imagine, the maid needs supervision, and this is especially necessary in the downtown home, which is three floors and, uh, approximately twelve thousand square feet. Mrs. Hart—”

At this point Michelle Marvel rises to speak, but before she can

get the words out, Joe Baynard issues his ruling: “I don’t see any change of circumstances or urgency here. Plaintiff’s motion denied. Now, before we move on to the motion about the dog, let me explain why I’ve asked Sarah Baynard to be here. This is the . . .” He flips through several pages of the file in front of him. “. . . third or fourth motion involving the dog, if I’m not mistaken. I’m a dog lover myself, but family court judges have their work cut out for them just trying to take care of human beings, so, as I notified you all several days ago, I’ve asked Ms. Baynard to serve as guardian ad litem for Sherman, and to assist me in providing for his welfare. Do either of you lawyers have any objection?”

Henry Swinton rises. “Your honor, our objection is not to Ms. Baynard. We all know,” and now he turns around to face me, his voice saccharine, “what an outstanding attorney she is, what a tremendous asset to the Charleston bar—”

“Succinctly, Mr. Swinton,” says Judge Baynard.

Swinton clears his throat. “Our objection is not to Ms. Baynard, but to the notion that an animal is entitled to a guardian. We’re not talking about custody here.”

“You could have fooled me,” says Judge Baynard.

Swinton continues: “While my client adores Sherman, she does not elevate him to the status of a human being. Your honor’s temporary order provided that she have possession of the dog while this case is being litigated, and there’s simply no evidence that she’s not taking proper care of the dog. If your honor would like us to research the matter further, perhaps both parties could file briefs.”

“I’ll hear from Ms. Marvel,” says the judge.

Michelle’s voice is saturated with smugness. She’s already won one argument and she assumes she’ll win this one. “Your honor, as my client’s affidavit sets forth, we have information that Mrs. Hart is only

walking Sherman once a day, and that in fact she's often not doing that herself, but assigning that task to the maid. Mr. Hart has always enjoyed walking Sherman—"

"Thank you, Ms. Marvel, you may sit down. Ms. Baynard," the judge says, looking my way, "we appreciate your willingness to be here today. Is there anything you'd like to say about the legal issue?" He motions for me to come to the witness stand.

I know it doesn't matter what I say. My ex-husband has already decided that this dog needs an advocate, and neither Michelle Marvel nor Henry Swinton dares object to having me as the chosen one because they risk pissing me off. Even if they wanted to appeal, the appellate courts are unlikely to interfere at this point, so they're stuck with me.

But I give a little speech anyway because I've done my research. "Thank you, your honor. As you know, for thousands of years, the law has regarded animals as personal property—no different, and even perhaps less valuable, than furniture. This is changing. In the past decade, courts have begun to treat animals as beings with recognizable interests. In a majority of the states, pet owners can now establish trusts for their pets. There are laws in every state against animal abuse. In some states, owners of deceased dogs may claim noneconomic damages—pain and suffering—in malpractice cases against veterinarians. So gradually the law is recognizing what we all know and believe: that animals can suffer, that humans suffer when they lose a cherished pet, and that the relationship between an owner and a pet is qualitatively different than the relationship between an owner and a piece of furniture. While there is still a great deal of controversy over whether courts should use such terms as 'custody' and 'visitation' when dealing with animals, it is not uncommon for judges to approve agreements between the parties to a divorce which provide for the welfare of their

pets. And in this particular case, your honor, it's clear to me from my preliminary review of the file that both Mr. and Mrs. Hart love their dog and that they will do anything in their power to assure Sherman's welfare, including cooperating with a guardian to protect his interests." I nod first toward Mrs. Hart, and then toward her husband. They nod back. What else can they do?

Judge Baynard thanks me and orders that I be appointed guardian ad litem "to protect the best interests of Sherman, a miniature schnauzer," that I receive five thousand dollars as temporary fees, to be paid equally by the parties, and that both parties cooperate fully as I investigate the case. He denies Mr. Hart's motion for temporary custody of the dog, but grants him visitation every Wednesday from three to seven and every weekend from Friday at 5:00 p.m. to Sunday at 5:00 p.m.

It's a testament to Joe Baynard's skill as a judge that both parties leave his courtroom looking equally disappointed. As for me, I feel a strange mix of anxiety and determination. I have no idea how to represent a schnauzer, but I remember the photo, those deep-set, dark eyes, and I'm determined not to let him down.

Or maybe, I think as I gather my notes, it's not just the dog I want to protect, but the judge, who looks miserable. Is it this frustrating case? His job? His failing marriage? He motions for me to approach the bench. "Thanks for agreeing to do this," he says to me as the lawyers and litigants for the next case come in. He adjusts his robe, which is too big for him. "You're performing a real service to the court."

I shouldn't, but I can't help myself: "If you have any concerns, your honor, you have my cell number."

For Better or Worse

I've heard it said that women who work together often end up having their periods at the same time, as if their body chemistries shared a secret sisterhood. I suspect this is a myth, but I can testify that for many years my secretary Gina and I were united in our monthlies, sharing both the box of tampons under the office sink and the usual complaints. And about a year ago I noticed her reading an article about menopause at about the same time I was beginning to skip a period every now and then.

Gina and I are both nearing fifty, but our attitudes toward this inescapable fact are utterly different. Gina fights it with all her might. She was queen of the prom at Ashley River High School and first runner-up for Miss Charleston. She's still very pretty—my clients remark on it, especially the middle-aged divorcing males—but various parts of her are beginning to sag and wrinkle despite her constant efforts to prop them up and smooth them over. She goes to the gym three times a week and spends a good portion of her salary on facials and manicures and pedicures, none of which delay the inevitable.

"It's unavoidable," I tell her. But it's easier for me. I've never been

pretty, at least not in the startling way Gina is. “You’re quite handsome,” my mother used to say when I was a teenager obsessing about my flat chest. Her choice of adjectives wasn’t helpful. “And your face has such refined bone structure.”

At forty-nine I look about the same as I did at forty—a few more gray hairs, a few more wrinkles, but still the same basic Sally Baynard: green eyes, short brown hair, and slim but unremarkable figure. My maintenance is minimal: a haircut once a month, a daily application of discount face lotion with sunscreen, and a lot of walking. I walk to the post office and the courthouse when the weather permits, and I walk when I’m angry or sad or frustrated, which means I walk a lot. Gina says the walking won’t defeat flabby abs, and she’s right, but I can’t stand gyms—all those desperate people on treadmills and stationary bikes, running and cycling and lifting weights, driving themselves crazy.

Gina once dragged me to her gym. I was the only woman there in shorts and a T-shirt. Everybody else wore shiny, skin-tight outfits that smoothed their bulges and kept their butts from bouncing as they sweated their way toward the ideal body. “I hate this,” I said to Gina. She thought I meant the exercise. I never went back.

I don’t want to give you the impression that Gina is one of those women whose devotion to bodily perfection is a sign of a vacuous mind. No. Gina is brilliant. If her mother hadn’t steered her into the beauty business at an early age (she was Little Miss something at age five) and brainwashed her into believing that she’d be a movie star (a delusion that ended with a bit part in a B-grade flick filmed in Charleston), Gina might have gone to law school instead of taking a secretarial course at Trident Tech. I taught her how to do legal research, and when she has time she helps me revise my briefs. She also has the ability to step back from the morass of details, to see the big picture with amazing clarity. Whenever I’m dizzy from reading depositions, reviewing accoun-

tants' charts, and going over my own notes about who did what to whom, I can depend on Gina to help me make sense of it.

I pay her what she's worth, which is a lot more than the usual secretary's salary.

I've encouraged her to go back to college, then law school. "You could take night courses," I say. "It would take a while, but I'll help you pay for it."

"What's the point?" she says. "I love working for you."

"You'd still be working for me. You'd just be my associate, right?"

"Right," she says, in that voice that means she thinks this is just a pipe dream, not a realistic plan. I'll wait about six months before I bring it up again.

In addition to our clients and our now irregular and dwindling men-
ses, Gina and I have in common our disappointments—maybe I should
say disasters—in love. We're different in so many ways, but over the
years we've shared these disappointments, comforted and consoled each
other. Gina has had two divorces and many more unsatisfactory rela-
tionships in between, the sheer number of which I attribute to her deter-
mination and eternal optimism. Gina perseveres. She paints her nails
and colors her hair. She nurtures her sexuality as if it were a rare orchid.

I, on the other hand, have almost quit trying. I say "almost" be-
cause every now and then I feel something that I recognize as sexual.
It comes as a surprise, like an old dear friend showing up out of the
blue, and I say to myself, "Ah, yes . . ." But it's been a while.

While I haven't been as persistent as Gina, I've had my share of
relationships, enough that I've long ago forgotten the complete list of
lost loves, but here are the ones I remember:

—The most recent: Ken Smythe, bankruptcy lawyer. I dated
him for about six months. Things seemed to be going well—we

were going out several times a week—but then he stopped calling and made lame excuses when I called him. I was hurt, but also relieved. His addiction to John Wayne movies (he had the complete collection) as well as his compulsive purchases of expensive boots (he had at least ten pairs) had begun to wear on me.

—Randy McInnis, master carpenter. We had a yearlong romance beginning shortly after he installed new kitchen cabinets at my condo. He was a gorgeous man, blond all over and muscled from his work, but he drank too much and didn't read anything more complicated than *People* magazine. When his response to his mother's death was to "get drunk and screw," I knew I'd had enough.

—Franklin Robard, hotshot Chicago criminal lawyer. We met at a legal conference. He was a little too flashy for my taste—he drove a red Porsche—but smart as hell, with a great sense of humor. We carried on a terrifically exciting long-distance relationship for a while (expensive hotels, room service with champagne), and he tried to convince me to look for a job at a Chicago firm. "Or if you don't want to work, that's okay, too," he said, and I tried to imagine myself as his wife until one night he mentioned that his marriage wasn't "much of a marriage anymore." He'd never actually lied to me. I'd just assumed he was single and available. But when I realized his "proposal" was that I move to Chicago to be his *mistress*, I punched him. He left that hotel room with a wad of tissues over his bloody nose.

—And Joe Baynard, my first real love, with whom I had almost nothing in common other than a law degree. He was Charleston blue blood, the son of a lawyer who was himself

the son of a lawyer. I was upstate commonfolk. He went to law school because it was expected of him, I went because I felt a fire in my gut. I wanted to change the world. He was perfectly happy with it the way it was.

So why did we fall in love? There was the physical attraction, but beyond that, I think we were actually attracted to each other *because* of our differences. He was generous with his friendship but not socially adventurous—except in his liaison with me. His law school friends were all from Charleston, people he'd grown up with. Around them he was charming and affable. I tended to be a loner, was opinionated and feisty. He could make me laugh; I could help him see beyond the narrow confines of his world. He mellowed me, helping me to see the other side of every argument, to think before I shot my mouth off. For a few years we were like two halves of one well-adjusted person: we came together, and we fit.

After our wedding, we rented a renovated carriage house behind his aunt's house on King Street, around the corner from his office at his father's firm and within easy walking distance of the county courthouse, where I worked as a public defender. At night we'd come back to the apartment, cook dinner, drink wine, stay up late discussing our cases until we were too tired to talk anymore, then fall into bed and make love. On weekends we hung out with lawyer friends, men and women we'd gone to law school with, or drove up to Columbia to see my mother.

But when I let him convince me to interview at his family firm, things changed very fast. Being a public defender wasn't a career, he said, just a stepping stone. I still loved my work but the frustrations were mounting: the almost-hopeless cases, unpredictable trial schedule, low pay. "What have you got to lose?" he asked. "Most young lawyers would kill for the chance." So I went for the interview. Of course it

was already a done deal. His father showed me the office that was just waiting for a new associate: burnished antique desk, bookshelves already outfitted with the South Carolina Code of Laws, Persian rug. I must have showed some hesitation about the hunting scenes on the walls. “Of course the décor can be altered to your tastes,” he said. Joe’s uncle bragged about the firm’s “commitment toward diversity,” which I found odd given the total white-maleness of the twenty-five-member group, but I flattered myself that I would be a trailblazer.

Within a month of my move to the firm, Joe started nagging. Couldn’t I be a little more “reserved” around the office, couldn’t I avoid talking politics? It’s fine, he said, that you want to stay involved in pro bono work, but do you have to take on three no-pay cases right off the bat? In turn, I attacked him for being too subservient to the senior partners—his father and his two uncles, those three bastions of the Charleston bar who inhaled entitlement with every breath and exhaled enough pomposity to fuel an army of aspiring young associates. Our sweet evenings devolved into petty feuding followed by long silences. “Maybe it’s time to buy a house,” he said. He wanted one downtown, of course. I wanted one on the beach. We were hardly having sex anymore, and I missed a few days of the pill. Still, the pregnancy was a surprise. I kept it a secret, denying even to myself that I might be pregnant, until the miscarriage. “We’ll try again,” said Joe, as if we’d been trying.

My body healed soon enough, but I procrastinated about going back to work. Joe made excuses for me at the firm. Finally he confronted me: “You hate it, don’t you?” I nodded my head. “Then go back to the public defender.” I’d never heard him sound so angry.

He was right: I hated the new job, but what I hated more was how I felt about *us*. Those differences that had once attracted us were now constant irritations. The next day, after he left for work, I found an

apartment of my own. “It’s just a trial separation,” I said. Joe begged me to stay—that same “Please, Sally”—but I’d already made up my mind.

Do I regret it? My best friend Ellen asked me that once and I snapped, “Of course not,” but the truth is, I’ll always wonder if I gave up too soon. My mother certainly thought so. “You had it all,” she said, “and you just threw it away.” And then, because I was too depressed to argue with her, she kept going: “I never told you this, Sally, but I was amazed that Joe was even attracted to someone like you.” Years later she apologized, but her attempts to be supportive about my single life were hurtful: “It will take an extraordinary man to want an independent woman like you.”

In the year or two before Mom moved in with me I had a few blind dates arranged by well-meaning friends, occasions on which I realized within minutes of the first handshake that I wanted to go home, where I might rescue the evening with a glass of wine and a good novel. These men were usually divorced lawyers or doctors. We’d meet for dinner, a drink or two, and that would be it. My girlfriends eventually gave up their matchmaking.

And now I have my mother for a housemate. “Are you sure you aren’t just using her as an excuse?” asks my secretary Gina, and maybe she’s right.

Gina never gives up on love: not for herself, and not for me. She is perpetually panning for a glimmer of gold. And so, when I return from family court after the hearing in *Hart v. Hart* and announce, with a mysterious smile, “I have a new client, and he’s really cute!” she springs to attention.

“But I’ll tell you about him later,” I tease. “Right now I have to review the depositions for the Vogel trial.”

“It’s been continued,” she says. “The clerk just called.”

“What?”

“Mr. Vogel’s in the hospital. Broken ankle. He’ll be okay, but it’ll be a couple of weeks.”

“Damn,” I say, because we’ll have to notify a dozen witnesses, but I’m secretly pleased that the three days set aside for the trial are now restored to me. I can catch up on some work, maybe even take a day off.

“So.” Gina follows me down the hall and into my office. “Tell me about the new client. How old?”

“I’m not really sure, but not a puppy,” I say. I start going through the pile of messages on my desk, pretending to ignore her.

“Look at me, Sally Baynard. I want details.”

I laugh. “He’s really a dog.”

“I thought you said he was cute.”

“He’s cute, but he’s a dog. A miniature schnauzer.” And then I explain what my ex-husband has gotten me into.

“You fall for his sweet talk every time,” Gina says.

“I’m getting paid for this one, for a change. Guess I should start working on it. Betty’s copying the file, but that might take a while. Would you call her and get Mrs. Hart’s number, set up a time for me to see her—she’s got the dog—maybe sometime tomorrow. Want to go with me?”

“No thanks. Now if it had been a man . . .”

I sort through the stack of phone messages, all in Gina’s neat handwriting, dividing them into three piles: Priority, Can wait, Ignore.

Priority: “Rick Silber. Going crazy.” Rick is a psychology professor at the College of Charleston. I represent him in his divorce. Did *he* say he was going crazy, or is this Gina’s interpretation? I can’t tell from the message.

“Richard Silber,” he answers. He sounds congested.

“Sally Baynard. You okay?”

“I’m holding on, but this is hard to take.”

“What’s going on?”

“She’s got breast cancer.”

“Who’s got breast cancer?” Is he talking about his wife, Debra, whom he’s divorcing, or his girlfriend the graduate student?

“Debra.” He can hardly get the words out between sobs. “It’s the really bad kind.”

“I’m sorry to hear that.”

“I want to drop the whole thing,” he says. “The divorce.”

“Have you talked to her?”

“Not yet.”

“How did you find out?”

“Our daughter called this morning. She blames it on me.” He blows his nose.

“You can’t give someone breast cancer by filing for divorce.”

“But how can I . . . how can I proceed with this, when she’s . . . God, I’m such an ass.”

“Why don’t you come in tomorrow morning, we can talk it over?”

“I teach tomorrow morning.”

“What about this afternoon?”

“Okay,” he agrees, “but I’m going to call her, tell her I’m dropping the whole thing.”

“You can’t call her. There’s a restraining order.”

“Can I send her some flowers or something?”

“Don’t do anything until we talk, okay?” I looked at my watch. “What about four p.m.?”

“Okay. Sally?”

“Yes?”

“You think I’m an ass?”

Of course I can't answer that honestly. "I think you're upset and confused."

"But, I mean, you're a feminist, aren't you?"

"I guess you could say that."

"So you must think I'm a real ass, running around with one of my grad students, although technically I could argue she's not really a student because she's been working on her dissertation for seven years—"

"We can talk about all this later. Why don't you write down a list of your concerns and questions, and we'll try to address them one by one. Four o'clock."

I open my office window, my free afternoon dissolving into the humid Charleston air. I find myself thinking about the dog. Does he have any idea what's going on between Mr. and Mrs. Hart? Does he suffer? Maybe, but surely nothing like his owners, or like Rick Silber or any of my human clients. And surely nothing like me, the lawyer who listens to their stories, counsels them, soothes them, steers them through the labyrinth of the legal system, around the deep pits of their sorrows, who suffers their angry outbursts, offers a tissue for tears, celebrates their victories and shares their defeats; the lawyer who is—despite her wishful thinking to the contrary—very much like them. For better or worse.

Beauregard's Fancy

You'd think we were headed toward some exotic destination—Bali or Tibet or Kenya—instead of Sullivan's Island, just across the Cooper River from Charleston, but the minute my Toyota starts to climb, I feel the excitement: the arc of the bridge lifts me like a wish. Escape. I'm suspended in a realm of possibilities, no longer earth-bound, almost flying.

"We need a little adventure!" I say. My father used to say this all the time. He was always trying to transform the ordinary—a trip to the post office or the hardware store—into something remarkable. It was almost as if he knew his heart would give out too soon, that he'd have to make the best of the life he couldn't escape, the humdrum job at the chamber of commerce, the marriage to a woman who wanted more than he could provide.

"You hear that, Miz Margaret?" says Delores. My mother is terrified if I drive over thirty miles an hour so Delores keeps her company in the backseat. Mom hugs her stuffed chihuahua, which looks almost real except for the miniature sombrero attached to its head. I bought the dog at the hospital gift shop—I was dazed from lack of sleep—during her