The Common Lawyer

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Extract

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SPHERE

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Client's privilege: Right of client to require attorney to keep secret communications made to him in the attorney–client relationship and to prevent disclosure on the witness stand.

Black's Law Dictionary, Fifth Ed.

Prologue

St Aloysius Children's Research Hospital
Ithaca, New York
2:55 A.M.

He stared down at her; his expression was stern and unyielding. He disapproved, as she knew he would.

'Don't look at me like that, Luigi. I'm *not* crazy.'

They stood alone in the vestibule just inside the front entrance where the warmth and disinfectant held their ground against the invading cold air and horde of germs. She brushed snow from her parka and removed her gloves, then reached up and caressed his cold cheek. He was just a boy.

'You're not being fair. Of all people, you should understand. God didn't mean for us to live forever.'

Over the last three months, they had developed a relationship of sorts. She had often come downstairs late at night and talked to him, Catholic to Catholic, about life and about death, and about life after death, all subjects he knew well. She would look into his eyes and wait for answers that never came. His eyes had always seemed able to see into her soul, but tonight they

revealed only his sadness, as if he knew what she was about to do.

'It's the only way.'

He did not respond – he never did – so she dropped her eyes like a repentant child from her father's glare. They fell onto the engraving at the base of the stone statue that told of his short life: Luigi Gonzaga had been born in 1568 in Italy, joined the Society of Jesus when he was seventeen, and studied to become a Jesuit; he had contracted the plague while working in a Catholic hospital in Rome. He had cared for the worst victims of the disease, those whom no one else would touch, and he had died at age twenty-three. The church awarded him sainthood because he had sacrificed his life to save others: St Aloysius, the patron saint of children.

'And I'm the Virgin Mary.'

Her eyes ran up the life-size figure of the boy saint for one final glance at his face – one final look into those haunting eyes. He could not understand. She turned away and continued into the hospital, past the reception desk and the elevators. She saw no one, and no one saw her. The hospital on the night shift was a lonely place; she had often paced the vacant corridors during those still hours, unable to sleep but unwilling to leave the child. The last few nights she had timed the exact route she was now taking: seven and a half minutes, in and out.

Bright murals stretched down the corridors and elaborate mobiles hung from the ceiling. Oversized stuffed cartoon characters sat in play areas waiting for the children. The patients' own colorful paintings adorned the walls like pieces of art in a museum. The nurses wore scrubs that were bright splashes of color. The colors, the art, the sunlit atrium, the healing gardens – the hospital tried desperately to present an upbeat mood, but the scent of death permeated the place. It was inescapable.

But they would escape that night.

Her rubber-soled shoes fell silent as she climbed the stairs to the third floor and turned left. Third Floor West. The research

wing. Only a handful of nurses would be on duty during the night shift, and those who were took their meal break at 3:00 A.M. She slowed as she approached the nurses' station and listened for voices; she heard none, so she hurried past. She was about to turn a corner when the sound of footsteps came close; she ducked inside a storage closet. The footsteps passed, and she peeked out and saw the uniformed backside of Kelly Fitzgerald, the charge nurse. Kelly was an Irish girl, too, and at thirty only five years older; they had become fast friends. They had often shared late-night coffee and cigarettes on the back stairs.

She did not greet her friend that night.

She stepped out of the closet, shut the door quietly behind her, and continued around the corner and down the corridor. She stopped at Room 312, pushed the door open, and stuck her head inside.

The child was asleep.

She backed out and walked down to Room 320. On the bed, a sixteen-year-old boy lay sleeping in the dim light. Jimmy had been paralyzed from the neck down in a street racing accident in California when he had lost control and wrapped his car around a telephone pole. He had undergone experimental spinal cord treatment. He was a guinea pig. Everyone on Three West was a guinea pig.

Jimmy was her friend, too. They had talked often, and she had consoled him when he cried. He knew he would never walk again, never play ball again, never date again, never live a normal life again. One stupid teenage mistake and he was in a wheelchair for life. He said he wanted to die. She leaned over and kissed him on his forehead then unplugged his ventilator.

She exited the room and ran back down the corridor to Room 312. She stepped inside and closed the door just before the entire night-shift staff, led by Nurse Kelly, rounded the corner pulling a crash cart. The alarm had sounded back at the nurses' station. They were racing to save Jimmy, as she knew they would. She wasn't there to kill Jimmy.

She was there to save this child.

She quickly pulled a knit cap over the five-year-old girl's head and stuffed her curly red hair inside. It was cold out. She tucked the St Aloysius pendant and chain she had bought in the gift shop that first day inside the child's pajamas then wrapped her in the hospital blanket and scooped her up. Her adrenaline was pumping hard; the child weighed nothing in her arms. She went to the door and peeked out. No one was in sight. She walked out of the room and hurried down the corridor past the vacant nurses' station.

She descended the two flights of stairs to the ground floor. Only the reception desk stood between them and the front door. She paused at the corner and again listened; she heard no one. Bert, the grandfather moonlighting as the night-shift security guard, would be grabbing a soda and gabbing with the nurses in the break room. She took a deep breath and darted around the corner, past the desk, and over to St Aloysius. But she did not stop and look into his eyes this time; she could not bear to see his disappointment. She only said, 'Goodbye, Luigi,' then carried the child out the front doors and through the thick snow to the Jeep 4x4 in the parking lot. She opened the back door and laid her on the seat. The child stirred.

'Mommy?'

She stroked the child's face.

'Shhh. Everything's going to be okay now, honey. No more tests.'

The child smiled in her sleep.

She secured her daughter with a seat belt, then climbed into the driver's seat. She started the engine, shifted into gear, and drove off into the dark night.

They were free.

THREE YEARS LATER

Chapter 1

Andy Prescott told his mother he went to church every Sunday morning. He lied. He never went to church on any morning. And that Sunday morning he was sure as hell not in church, at least not the Baptist or Catholic version of church. He was in the Austin version of church: the out of doors. Austinites worship nature.

'You're insane, Andy!'

True. But then, a certain degree of insanity was part of the job description for a hammerhead. Point of fact, you had to be freaking nuts to ride a mountain bike at these speeds over a single-track hacked out of the wilderness and teeter on the edge of a steep ravine with nothing but a foam-padded plastic crash helmet standing between you and organ donor status. Nobody in his right mind would do such a thing.

But Andy loved to go fast.

He glanced back at Tres. Arthur Thorndike III – a family name, the poor bastard, so upon his arrival in Austin ten years before he had quickly acquired the nickname Tres, as in '*uno*, *dos*, *tres*' – lagged Andy by a dozen bike lengths and only that much because Andy was taking it easy on him . . . and because

Tres never tempted fate. Tres Thorndike had a) a trust fund, b) a gorgeous girlfriend, and c) a Beemer with personalized license plates that read TRES; consequently, he didn't want to die at twenty-nine. Andy had d) none of the above, so death before thirty was of no concern.

They were biking the back trails in the Barton Creek Greenbelt, a wilderness preserve on the western outskirts of Austin. The trails tracked Barton Creek from where the crystal-clear spring water bubbled out of the Edwards Aquifer at the base of the Balcones Escarpment east for eight miles through Sculpture Falls, Twin Falls, Three Falls, Airman's Cave, and Campbell's Hole. But while the creek coursed along on a gentle path deep down in the canyons, the back trails climbed precarious ledges high on the limestone face of the escarpment and cut through dense woods along treacherous paths that featured blind curves and sudden drops and dangerous obstacles and countless other opportunities to kill yourself.

'Andy, you're gonna kill yourself!'

Possibly. But at least he'd die knowing he had already made it to heaven.

Austin, Texas, was known for its natural beauty, and compared to Dallas or Houston, it was the Garden of Eden; but twenty-five years of unrestrained development had devoured almost all that was nature in the city. All but the greenbelt. The eight hundred acres offered an escape from the crowds and concrete, the noise and exhaust of a million automobiles, and the stifling August heat. Here there were grass and trees, water and waterfalls, clean air and a cool breeze. Only the sounds of the wind whistling through the trees and the water rippling over rocks below broke the silence.

In the greenbelt, the city seemed distant.

But it wasn't. The city was near, pressing in on all sides. The greenbelt now sat squeezed between residential developments and shopping malls and bounded and bisected by busy freeways. And developers wanted it, too. They wanted it all. The greenbelt

was the Alamo of Austin, the final stand for nature; and the tree-huggers, hippies, hikers, bikers, swimmers, and runners would fight to the death to save it.

'In case you don't know it, Andy, suicide's against the law!'

Andy stood five-ten and weighed one-fifty-five; he hadn't been big enough for football or good enough for the skilled sports. But the first time he had saddled up on a mountain bike and careened down a hill completely out of control, he knew he had found his calling, a sport he was actually good at. Andy Prescott could stay on a bike. And he wasn't afraid to fall off.

Andy was that new breed of athlete: an extreme athlete. The kind of individual crazy enough to snowboard down a mountain poised for an avalanche or surf the big waves of a hurricane coming ashore or ride a bike down a treacherous trail at breakneck speed – all for the adrenaline rush. And that was the payoff for adrenaline junkies, young men and women taking sports to the limits where there were no rules. Where there's just you and what's inside you.

Inside Andy at that moment was an intense accumulation of lactic acid in his thighs and quadriceps; his pistons were burning like butane torches. They had just come off a full-power granny-gear grunt up a two-hundred-foot vertical on the Hill of Life and were now running Mach 2 back down the hill, flying off low limestone ledges and skidding over crushed rock and swerving east onto the steepest back trail at full throttle, although Andy could hear Tres' brakes squealing like wild pigs and no doubt he was in full panic skid, digging his heels deep into the dirt as he tried to slow his descent. Tres piloted a top-of-the-line full-suspension Cannondale Prophet, but he was a bit of an Aunt Bee. Andy was anything but; he was bombing the descent on a secondhand Schwinn hardtail. No brakes. Pure gonzo.

'Yee-hah!'

His pre-ride rocket fuel – two cans of Red Bull – had given him one heck of a caffeine high. He was buzzed and in the zone, shredding the trail and carving the corners like a downhill skier in the Olympics; the knobby Kevlar tires bit into Mother

Earth like a pit bull's teeth into soft human flesh. He veered around blackened trunks of burned-out oak trees then flew through a tunnel of thick brush and pruned a few low-hanging limbs, all just a blur in his peripheral vision. He hit a monster bump and caught air for ten feet; he bounced hard on reentry but maintained his position in the cockpit. One slip and he would tumble down the ravine to a certain death – the thought of which triggered the rush. Adrenaline surged through his being like a narcotic, supercharging his mind and body.

Andy Prescott had never felt more alive.

He was wearing cargo shorts, Converse sneakers, and a T-shirt he had sweated through in the heat and humidity of late August in Texas. His only accessories were a pair of cheap sunglasses, the CamelBak strapped to his back that packed his personal effects and one hundred ounces of Endurox R4 – the sports drink of choice for extreme athletes – and the crash helmet. Andy Prescott was crazy but not stupid.

'Slow down, Andy!'

They always came out early on Sunday morning because they didn't have anchors holding them at home – although Tres was living on borrowed time; his girlfriend was already planning marriage and offspring – and because weekend walkers, hikers, joggers, and your less adventuresome bikers wisely stayed on the family-friendly double-track down by the creek a hundred feet below them. Which meant they could hammer the back trails without fear of pedestrian injury.

'Andy, you're gonna biff!'

Andy Prescott . . . wipeout? Not a chance: he was stoked. He glanced back at Tres.

'No way, dude!'

'Andy, look out!'

He turned back, and his heart almost stopped.

Uh-oh.

Just ahead, three white-haired women stood huddled together right in the middle of the trail.

For Christ's sake, not a tea party on a back trail!

Andy was going too fast to stop in time and there wasn't enough room on the narrow trail to go around them: to his left was the sheer rock wall of the escarpment; to his right the abyss of the ravine. If he plowed into the senior citizens at that speed, he'd kill them for sure. But if he veered off the trail, he'd fly down the ravine and kill himself.

The women saw him. He tried to wave them off the trail – but they stood frozen in place, like deer caught in headlights, terrified at the bike and rider hurtling at them at high speed. One screamed. She looked like his mother.

Andy said, 'Aw, shit,' cut the handlebars hard to the right just a split second before impact, and rode straight off the trail – and the Earth. He caught big air. He was now flying through the blue sky and enjoying an incredible panoramic view from high above the greenbelt, suddenly free of all worldly constraints, and he experienced an awesome nirvanic sensation . . . until gravity clicked in.

He dropped fast.

He looked down and saw the Earth rushing toward him. He pushed down on the pedals and pulled up on the bars as if doing a wheelie so the bike's rear tire would hit the ground first; he had a momentary vision of actually riding the bike down the ravine. But that vision proved fleeting when the back tire caught a gnarly stump immediately upon reentry, which yanked the front tire down abruptly, which threw him forward over the handlebars, which sent him endo; he executed several flawless albeit involuntary three-sixties before crashing through tree limbs and landing on his CamelBak. But the ride wasn't over. He bounced hard, and his momentum took him tumbling like a rag doll down the ravine and through thick juniper bushes and across the lower trail. He heard Tres' voice from above – 'Andy!' – just before he hit the water of Sculpture Falls.

The next thing he knew, Tres was pulling him out of the water and slapping him across the face.

'Andy! Andy, are you okay?'

He then heard a different voice. A smaller voice.

'Is he dead?'

Damn. He hoped he wasn't dead.

Andy opened his eyes onto a dark, blurry world. He saw two figures standing there. A big Tres and a little Tres. No, Tres and a kid . . . holding a rope?

'Is he dead?' the kid said again.

Andy had gone into the falls right where kids played Tarzan on a rope hanging from a tree. Tres frowned at the kid then put his cell phone to his ear. Andy heard Tres' distant voice.

'Hello? Hello? Damn. Can't ever get a signal down here in the canyons.'

Tres resumed slapping Andy across the face.

'Andy! Andy!'

Andy tried to fend off Tres' blows before he suffered irreparable brain damage, but his arms were spaghetti.

'Dude, quit hitting me!'

'I'll run up and call nine-one-one.'

'I don't need an ambulance, man. I need a beer.'

'You sure?'

'Yeah, I'm sure I need a beer.'

'No. That you're okay?'

'Yeah, except I can't see. Tres – everything's dark!'

'Dude, you still got your sunglasses on.'

'Oh.'

Andy removed the glasses. Tres studied him from close range for a long moment then broke into a big grin.

'Man, that was a spectacular stack! The most awesome face plant I've ever witnessed!'

Andy extended a closed hand to Tres; they tapped knuckles. A fist-punch.

'Glad you enjoyed it. Did get the adrenaline pumping, I'll give it that.'

The kid turned away and yelled to someone, 'He ain't dead!'

Then he swung out on the rope and somersaulted into the water. Tres chucked Andy on the shoulder.

'The Samson theory held true – at least this time.'

Andy tried to shake his head clear, but it just made him dizzy.

'How's the bike?'

'The *bike*? Who gives a shit about your bike? Look at yourself.'

Andy looked at himself. He wasn't one of those weekend warriors who wore protective armor like the pros, so his body had absorbed the full brunt of the fall. Blood striped his arms and legs where tree branches had whipped him on reentry, and his knees and elbows sported strawberry-red road rash, which meant he would have to endure a week of painful bacon. His clothes were soaking wet and ripped to shreds, which wasn't much of a financial hit since he had acquired his entire wardrobe at the St Vincent de Paul Thrift Shop – well, except his underwear. He drew the line at used underwear.

No jagged bones jutted through his skin, and all limbs seemed in working order, although any movement of his right shoulder or left knee produced extreme pain – hence the term, 'extreme sports.' His brain bucket had stayed in place and he wasn't bleeding from his ears, so he had apparently suffered no closed-head injuries. But he was bleeding. He spit blood and wiped blood from his face, but it couldn't be that bad because Tres was still looking at him. Tres had gone to law school instead of med school as his parents had wanted because he couldn't stand the sight of blood.

'I'm good.'

His bike was not.

His sweet ride was now a yard sale. The wheels, frame, seat, and tire pump lay scattered over the white rock that was Sculpture Falls, limestone carved into crevices and furrows by the running water over millions of years. The Schwinn had slammed into the rock and disintegrated upon impact. That was bad luck. He still owed five months' payments on it.

'Finally got the bike dialed in, then I run into a tea party.'

'Andy, if you'd hit those rocks instead of the water, you'd be in worse shape than your bike. Why didn't you bail?'

'Bike would've nailed the old ladies.'

'Oh. A boy scout.'

Andy stood. Either he or Tres was swaying side to side, he wasn't sure whom, until Tres grabbed his shoulders.

'Steady there, partner.'

When the world finally stood still, Andy said, 'My bike.'

'I'll get what's left of it,' Tres said.

Andy waited while Tres retrieved the remains of the bike. The wheels looked like potato chips and the frame like a pretzel, the tire pump would never pump again, and the seat was now floating in the water. Andy shook his head like John Wayne when the bad guys had killed his favorite horse.

'My trusty steed.'

They climbed back up the ravine to the trail where they found Tres' bike and the three women waiting; they were wearing big wraparound sunglasses, visors that matched their color-coordinated outfits, and waist packs. The most dangerous obstacles on a single-track were not rocks, roots, or ruts, but white-haired walkers.

Andy sat on a boulder, removed his helmet, and ran his fingers through his thick wet hair that hung almost to his shoulders. He wore his hair long on the Samson theory: long hair made him indestructible on the bike. He dug out a few small rocks embedded in the raw hamburger meat that was his left knee, which made him grimace. One of the old ladies leaned over and yelled as if he were deaf: 'Are you okay, sonny?'

He recoiled. 'Yes, ma'am.'

The second one put on her reading glasses and examined his face from a foot away. Her breath smelled like mints.

'I was a nurse. You may need stitches.'

'Yes, ma'am.'

'At least put Neosporin on those cuts,' she said, 'so you don't get an infection.'

'Yes, ma'am.'

'The water's down there?' the third lady asked.

'Yes, ma'am.'

She turned to the others. 'I told you.'

'We got lost,' the first lady said. 'Took the wrong trail.'

'Yes, ma'am.'

'We were checking the map. I guess we shouldn't have stopped in the middle of the trail.'

'No, ma'am.'

She shrugged. 'Our bad.'

She unzipped her waist pack and pulled out a can of Ensure. She held it out to him like a peace offering.

'Homemade Vanilla.'

Tres turned away and choked back laughter.

'Thank you, ma'am,' Andy said, 'but I've got Endurox in my CamelBak.'

He reached around and found the rubber tube hanging from the hydration pack. He put the mouthpiece between his teeth and bit down on the bite valve. Nothing came out. The CamelBak must have punctured on the fall – but the three liters of liquid cushion had probably saved him from a serious spinal cord injury.

'Or I did.'

'Endurox?' the Ensure lady said. 'Does that relieve constipation?'

Tres couldn't hold back now; he buried his face in his hands and howled.

'Constipation?' Andy said. 'Well, no, ma'am, it doesn't. At least I don't think so.'

'The key to life is fiber. I mix Metamucil with my Ensure every morning. I can set my clock by my morning bowel—'

'Yes, ma'am.' He pointed west. 'Go back that way, hang a left on the white rock trail, then another left on the dirt path down by the creek. That'll take you to the falls.'

'Can we swim naked there?'

'Uh, no, ma'am. Only out at Hippie Hollow on the lake.'

The Austin chapter of AARP waved and walked off, chatting like sorority sisters. Tres fell to the ground laughing and started rolling around like a kid practicing a 'stop, drop, and roll' fire drill. He said, '"Does it relieve constipation?"' then howled again.

Andy shook his head.

'Get up. And help me up.'

High noon and Tres was still reliving the moment.

'"Does it relieve constipation?" You should've said, "No, ma'am, but taking a header down that ravine sure as hell did – I crapped in my pants."'

'Dang near the truth.'

The throbbing bass of 'La Grange', ZZ Top's hit song from the seventies, blared out from a boom box and reverberated off the limestone walls of the pool. Coming to Barton Springs was a trip back in time to the way Austin used to be. The music, the people, the pool. Old-timers swam laps in the icy water the Indians thought healed them and felt young again. Young people like Andy re-created their parents' fondest memories from the seventies and eighties – and every middle-aged parent in Austin had a fond memory of Barton Springs. And kids made new memories, floating on inner tubes, diving off the board, and playing in the turquoise water. For as long as anyone could remember, everyone in Austin – except developers – had desperately wanted the springs to stay frozen in time, at least for one more perfect summer.

Like that summer.

Andy stretched out on the south ledge of the pool and admired the lifeguard in her red Speedo sitting up in the tower. Barton Springs Pool was a thousand-foot-long natural swimming hole situated in Zilker Park, south of downtown Austin. Four million gallons of spring water filled the three-acre limestone cavity and maintained a constant year-round temperature of sixty-eight

degrees Fahrenheit. And every hour, another million gallons gushed forth from the three springs the original owner, Uncle Billy Barton, had named after his daughters: Eliza, Zenobia, and Parthenia.

Poor girls.

It was a hundred degrees out, but the cold water had temporarily relieved the heat, just as the marijuana smoke riding the breeze from the college kids on the grassy bank south of the pool had temporarily relieved Andy's aches and pains.

'Hey, medicinal marijuana really works. My knee doesn't hurt anymore.'

Andy didn't do dope – his high came from adrenaline – but he inhaled the sweet smoke again just to make sure he had completed the full course of treatment.

'There's no place like Austin,' Tres said. 'Biking the greenbelt, swimming the springs . . . the live music. This is as good as it gets. I only wish I'd been around to hear Springsteen rock the Armadillo.'

The Armadillo World Headquarters, a cavernous National Guard armory converted into a concert hall, had put Austin on the live music map. The famous and not so famous had played the Armadillo back in the seventies, including Andy's father. To hear him tell it, those were the best years in Austin. He said the Armadillo was the soul of Austin – until it was razed for an office building in 1981. That was a dark day in Austin's history – the day of the coup. The day the developers seized power.

Austin had changed that day and hadn't stopped changing. Austin seemed more like LA every day, although Andy had never been to LA. More people, more traffic, more trendy lofts and lounges downtown. Less laid-back. Fewer hippies. No Armadillo. In ten years it would be just like – and this singular fear gripped all who loved Austin the way it used to be – Dallas.

But one place had not changed: Barton Springs.

Andy had broken a full-body sweat again, so he rolled off the ledge and into the water. He dove down fourteen feet below

the diving board and put his sore back close to the Parthenia spring. The rhythmic pulse of the spring, the dim light, and the water wrapped around his body made sitting on the bottom of the pool a womb-like experience. But this was not your chlorinated backyard pool; he stirred the gravelly bottom and tiny red-gilled salamanders floated up. Unlike the salamanders, Andy needed oxygen so he pushed himself to the top. He climbed out of the pool and again stretched out on the warm ledge.

Andy's standard routine was to lie on the ledge ogling the female lifeguards in their towers and the college coeds tanning on the grassy bank until he had worked up a good sweat; then he would simply roll into the pool. After a few minutes in the cold water, he would climb out and repeat the routine. With enough experience, you got into a nice rhythm. Andy and Tres were in a nice rhythm.

'Arthur,' Natalie said, 'it says here we could hire an Indian surrogate.'

Natalie Riggs was Tres' gorgeous girlfriend; she insisted on addressing him by his given name. Against Andy's advice, Tres had dutifully reported in to her after their morning ride, apparently a condition of their engagement. She had decided to meet them at the pool, the only upside of which was the fact that she looked stunning lying there on a towel in a tiny string bikini with her smooth skin shimmering in sweat and suntan oil. *Jesus.* She was thirty-one and a sexy brunette; she wanted to marry Tres and have a baby – Tres said her biological clock was ticking so loudly it kept him awake at night – but she also wanted to retain her fabulous figure, a requirement both for her job as a local TV lifestyle reporter and her hopes of jumping to the networks. 'Have you ever seen a fat pregnant woman on the network morning shows?' she often asked Tres. So they had decided to have a baby by gestational surrogacy: Tres' sperm, Natalie's egg, a stranger's womb, and a binding contract.

'Which tribe?' Tres said.

Natalie eyed her fiancé over the magazine she was reading.

'Which tribe what?'

'Which Indian tribe? Apache, Comanche, Sioux . . . ?'

'Not those Indians. India Indians. You know, the ones with the little black mark on their foreheads.'

'They're having babies for Americans?'

'That's what this article says. You just send them the fertilized egg and nine months later they send you back the baby. And they're a lot cheaper than American surrogates.'

'Outsourcing babies to India?' Andy said.

'Every time my computer crashes and I call tech support,' Tres said, 'I'm talking to some Indian guy named Bob. Can't understand a word he says.'

'And the clinics have pre-qualified surrogates,' Natalie said, 'tested and ready to go.'

'Tested?' Andy said.

Natalie sipped her Pellegrino sparkling water then said, 'The surrogate's got to pass a criminal background check, a psychiatric test, and an STD test. Do you know how hard it is to find a surrogate in the US who can pass all three tests? That's why they're so expensive here.'

'Supply and demand,' Tres said.

'You gotta worry the woman who's carrying your baby is a criminal, a nut, or diseased?' Andy said. 'Jeez, Natalie, seems a lot safer to birth that baby yourself.'

'And lose these abs?'

She had awesome abs.

'Why not outsource your baby to a nice Swedish girl?' Andy said. 'I'll implant the egg myself.'

'Commercial surrogacy is illegal in Europe,' Tres said. 'And it's only legal in twelve states over here.'

'Is Texas one of them?'

'Yeah, but you've got to get court approval, so we may do it in Illinois. You don't have to go to court up there. But, the doctor's got to sign an affidavit saying it's a medical necessity.'

'And saving Natalie's awesome abs might not qualify?'

'Exactly.' Tres reached over and patted her lean belly. 'Still, babe, I think we should use an American surrogate and support the troops.'

'Support the troops how?' Andy said.

'A lot of American surrogates are military wives,' Tres said, 'having other women's babies to make ends meet while their husbands are in Iraq. I figure we could do our share for the war effort.' To Natalie: 'I vote American.'

'I vote for her,' Andy said.

He nodded at a coed walking towards them. She was blonde and spilling out of her bikini in a good way. She jiggled past them and over to her spot on the bank where she sat and removed her bikini top. Topless sunbathing was legal at Barton Springs. For full nudity, you had to go out to Hippie Hollow on Lake Travis, a bit of a drive, so most coeds opted for topless at the springs.

'Only problem with her,' Tres said, 'is I'd have to manually fertilize the egg.'

Any perceived threat to Tres' trust fund got Natalie's immediate attention. She lowered her sunglasses and gave the blonde one of those brief but thorough head-to-foot once-overs that competitive females mastered by ninth grade. Natalie Riggs could now describe in detail every flaw on the blonde's body.

'*Puh-leeze*. You or my baby inside her? I don't think so.'

'Maybe I should conduct a pre-surrogacy exam first,' Andy said, 'check out her reproductive system personally.'

'In your dreams,' Tres said.

'Like there's anywhere else?'

'The standard surrogacy contract,' Natalie said, 'requires the surrogate to stop having sex for the entire gestation period. I doubt she could stop for an afternoon.'

'That's what gives me hope.'

'Andy,' Natalie said, 'her hair is bleached, she could stand to lose some weight, and in case you didn't notice, those are implants.'

'What's your point?'

'My God, Andy, she's drinking a supersized soda. That's three hundred forty calories. She'll be a size ten in two years.'

'Two *years*? Natalie, my relationships usually last about two hours.'

Natalie sighed in resignation.

'Then go over and ask her out.'

Andy sat up. He considered doing just that. But she wasn't alone. Rejection would be a painful public humiliation. A train whistle sounded in the distance; the park's miniature train was about to leave the station. Andy lay back down.

'And get shot down in public? I have my reputation to consider.'

Tres laughed. 'What reputation?'

'Andy,' Natalie said, 'you've got to date to have sex . . . well, maybe not with her, but with classy girls you do, like the kind you meet at Pangaea.'

'That's the place with the safari theme? Girls dressed like Tarzan's mate dancing on the tables? Natalie, I can't get past the velvet rope at places like that.'

The beautiful people of Austin now frequented the trendy new lounges springing up in the warehouse district a few blocks west of downtown. Andy was not and so did not.

'A guy from New York opened Pangaea,' she said. 'They've got tribal spears and shields on the walls, and the ceiling is draped like a tent. It's fabulous.'

'It's expensive,' Tres said.

Natalie rolled lusciously toward Tres and gave him a little kiss.

'But I'm worth it.'

Andy tried not to admire her body in motion, but he couldn't resist. But then, she and Tres weren't married yet, so it wasn't like Andy was committing a Ninth Commandment violation.

She rolled back and said, 'So when was your last date?'

'Last year.'

Natalie sat up, squirted a line of suntan oil onto her right thigh, and rubbed it in with long smooth strokes.

'When last year?'

'April.'

'April of last year? Andy, it's August of this year.'

'I'm working on it.'

'Anyone answer your ad?' Tres said.

Natalie now rubbed oil on her left thigh.

'What ad?'

'Andy put an ad in Lovers Lane.'

Lovers Lane was the online dating venue of the *Austin Chronicle,* the weekly alternative newspaper in town.

'Any responses?'

'Nope. Every "woman seeking man" wants a guy who's smart, rich, and looks like Matthew McConaughey. They don't want regular guys.'

McConaughey was Austin's resident movie star.

'Which is why they're alone and putting personal ads in the *Chronicle*,' Tres said.

'Which is why they're not going to answer my ad – I'm not smart or rich and I don't look like McConaughey.'

'Andy,' Natalie said, 'don't sell yourself short. You're sort of smart.'

That amused Tres almost as much as the old lady's 'Does it relieve constipation?'

'I'm a regular Joe looking for a regular Joan.'

'So lie,' Tres said. 'Everyone in those ads lies.'

'But that defeats the whole purpose of personal ads: you can be honest.'

'Andy, no one's honest. I know. I work for the IRS.'

Tres had hired on with the Internal Revenue Service after law school at the University of Texas; he had been a B student, so the best he could do was a government job. But he hoped to parlay his inside knowledge into a big firm job in a few years. He didn't need the money – there was the trust fund – but he needed a station in life.

Andy said, 'I'm honest.'

Tres: 'And poor.'

Natalie: 'With no girlfriend.'

Andy: 'Which requires money.'

Tres shook his head. 'It's a vicious cycle.'

Natalie gave Andy her 'wise mother' look, which told him she was about to offer more unsolicited personal advice. The fact that she was two years older than Andy apparently gave her standing.

'Andy, classy girls don't want slackers.'

She graciously omitted the implied 'like you.'

'They want guys with ambition,' she said. 'Like Arthur.'

'He has a trust fund.'

'Or that. They want someone who can give them the life – the house on the lake, the cars, the country club, the nightlife, the wardrobe, the accessories. Someone with money, or at least the ambition to make money.'

She squirted oil onto her upper chest and smoothed it over the exposed portion of her beautiful breasts.

'Andy, if you want a girlfriend, you need ambition.'

Andy turned away from Natalie's oily body and said, 'I need a beer.'