

# THE JURY MASTER

## Chapter One

### 1

#### *San Francisco*

THEY SHUFFLED INTO the courtroom like twelve of San Francisco's homeless, shoulders hunched and heads bowed as if searching the sidewalk for spare change. David Sloane sat with his elbows propped on the stout oak table, hands forming a small pyramid with its apex at his lips. It gave the impression of a man in deep meditation, but Sloane was keenly aware of the jurors' every movement. The seven men and five women returned to their designated places in the elevated mahogany jury box, bent to retrieve their notebooks from their padded chairs, and sat with chins tucked to their chests. When they lifted their heads, their gazes swept past Sloane to the distinguished gentleman sitting at the adjacent counsel's table, Kevin Steiner. A lack of eye contact from jurors could be an ominous sign for an attorney and his client. When they looked directly at the opposing counsel it was a certain death knell.

With each of Sloane's fourteen consecutive trial victories and his growing notoriety, the plaintiffs' firms had rolled out progressively better trial lawyers to oppose him. None had been better than Kevin Steiner. One of the finest lawyers to ever grace a San Francisco courtroom, Steiner had a head of thinning silver hair, a smile that could melt butter, and oratory skills honed studying Shakespeare as a college thespian. His closing argument had been nothing short of brilliant.

Despite Sloane's prior admonition not to react when the jurors reentered the courtroom, he sensed Paul Abbott leaning toward him until Abbott's Hickey-Freeman suit nudged the shoulder of Sloane's off-the-rack blue blazer. His client compounded his mistake by raising a Styrofoam cup of water in a poor attempt to conceal his lips.

"We're dead," Abbott whispered, as if reading Sloane's mind. "They're not looking at us. Not one of them."

Sloane remained statuesque, a man seemingly in tune with everything going on around him and not the slightest bit concerned. Abbott, however, was not to be ignored. He lowered the cup, dropping all pretenses.

"I'm not paying you and that firm of yours four hundred dollars an hour to lose, Mr. Sloane." Abbott's breath smelled of the cheap glass of red wine he had drunk at lunch. The vein in his neck—the one that bulged when he became angry—protruded above the collar of his starched white shirt like a swollen river. "The only reason I hired you is because Bob Foster told my grandfather you never lose. For your sake you better have something good to blow that son of a bitch out of the water." Threat delivered, Abbott finished the remnants of water in his cup and sat back, smoothing his silk tie to a point in his lap.

Again Sloane did not react. He had visions of a well-placed elbow knocking Abbott over the back of his chair, and walking calmly from the courtroom, but that wasn't about to happen. You didn't bloody and abandon the grandson of Frank Abbott, personal friend and Saturday morning golf partner of Bob Foster, Foster & Bane's managing director. Pedigree and circumstance had made Paul Abbott the twenty-nine-year-old successor to the multimillion-dollar Abbott Security Company, and Sloane's worst type of client.

Abbott had conveniently forgotten that he now sat in a San Francisco courtroom because, in the brief period he had served as the CEO of Abbott Security, his incompetence had eroded much of what it took his grandfather forty years to build. An Abbott security guard, convicted of three DUIs that a simple background check would have revealed, had sat drunk at the security desk in the lobby of a San Francisco high-rise. Half asleep, the guard never stopped Carl Sandal for identification, allowing the twice-convicted sex

offender access to the building elevators. Sandal prowled the hallways late that night until he found Emily Scott alone in her law office. There he viciously beat, raped, and strangled her. A year to the day after that tragedy, Scott's husband and six-year-old son had filed a wrongful-death civil suit against Abbott Security, seeking \$6 million in damages. Sloane had urged Abbott to settle the case, especially after pretrial discovery revealed a number of failed background checks on other security guards, but Abbott refused, calling Brian Scott an "opportunistic whore."

From the corner of his eye, Sloane watched Steiner acknowledge the jurors' gaze with a nearly imperceptible nod of the head. Though too much of a professional to smile, Steiner gently closed his binder and slid it into a trial bag creased and nicked with the scars of a thirty-year career. Steiner's job was finished, and both he and Sloane knew it. Abbott Security had lost on both the evidence and the law—and for no other reason than that its CEO was an arrogant ass who had ignored all of Sloane's advice, including his pretrial admonitions against wearing two-thousand-dollar hand-tailored suits into a sweltering courtroom of blue-collar jurors just looking to find a reason to give away his grandfather's money.

From her perch beneath the large gold seal of the State of California, Superior Court Judge Sandra Brown set aside a stack of papers and wiped her brow with a handkerchief hidden in the sleeve of her black robe. The elaborate climate control system in the recently constructed state-of-the-art courthouse had crashed under the weight of a weeklong heat wave gripping the city, causing a pack of maintenance men to scurry through the hallways lugging bright orange extension cords and portable fans. In an act of mercy, Judge Brown had taken a ten-minute recess after Steiner's closing argument. To Sloane it felt like a temporary reprieve from the governor. That reprieve was about to be rescinded.

"Mr. Sloane, you may give your closing."

Sloane acknowledged Judge Brown, then briefly reconsidered the scrawled

blue ink on his yellow legal pad.

It was all an act.

His closing argument wasn't on the pad. Following Steiner's summation Sloane had slipped his own closing into his briefcase. He had nothing to rebut Steiner's emphatic appeal and horrific description of the last moments of Emily Scott's life, or the security guard's wanton negligence. He had nothing with which to "blow the son of a bitch out of the water."

His mind was blank.

Behind him the spectators sitting in the gallery continued to fan the air like a summer congregation in the pews of a Southern Baptist church, a blur of oscillating white sheets of paper. The persistent drone of the portable fans sounded like a swarm of invisible insects.

Sloane pushed back his chair and stood.

The light flashed—a blinding white that sent a lightning bolt of pain shooting from the base of his skull to a dagger point behind his eyes. He gripped the edge of the table as the now familiar image pulsed in and out of clarity: a woman lying on a dirt floor, her broken body surrounded by a blood-red lake, tributaries forging crimson paths. Struggling not to grimace, Sloane forced the image back into the darkness and pried open his eyes.

Judge Brown rocked in her chair with a rhythmic creaking, as if ticking off the seconds. Steiner, too, remained indifferent. In the front row of the gallery, Patricia Hansen, Emily Scott's mother, sat between her two surviving daughters, arms interlocked and hands clasped, like protesters at the front of a picket line. For the moment her steel-blue eyes ignored Sloane, locking instead on the jurors.

Sloane willed his six-foot-two frame erect. At a muscled 185 pounds, he was ten pounds lighter than when he'd stood to give his opening statement, but his attire revealed no sign of the mental and physical deterioration inevitable

after five weeks of fast-food dinners, insufficient sleep, and persistent stress. He kept a closet full of suits sized for the weight fluctuations. The jurors would not detect it. He buttoned his jacket and approached the jury, but they now refused to acknowledge him and left him standing at the railing like an unwelcome relative—hoping that if they ignored him long enough he would just go away.

Sloane waited. Around him the courtroom ticked and creaked, the air ripe with body odor.

Juror four, the accountant from Noe Valley, a copious note taker throughout the trial, was first. Juror five, the blonde transit worker, followed. Juror nine, the African-American construction worker, was next to raise his eyes, though his arms remained folded defiantly across his chest. Juror ten followed juror nine, who followed juror three, then juror seven. They fell like dominoes, curiosity forcing their chins from their chests until the last of the twelve had raised her head. Sloane's hands opened in front of him and swept slowly to his side, palms raised like a priest greeting his congregation. Foreign at first, the gesture then made sense—he stood before them empty-handed, without props or theatrics.

His mouth opened, and he trusted that words would follow, as they always did, stringing themselves together like beads on a necklace, one after another, seamless.

"This," he said, "is everyone's nightmare." His hands folded at his midsection. "You're at home, washing the dishes in the kitchen, giving your child a bath, sitting in the den watching the ball game on television—routine, ordinary tasks you do every day." He paced to his left. Their heads turned. "There's a knock at your door." He paused. "You dry your hands on a dish towel, tell your son not to turn on the hot water, walk to the front door with your eyes on the television."

He paced to his right, stopped, and made a connection with juror seven, the

middle school teacher from the Sunset District, who, he knew, would be his client's harshest critic.

"You open the door."

Her Adam's apple bobbed.

"Two men stand on your porch in drab gray suits, a uniformed officer behind them. They ask for you by your full name. You've seen it too many times on television not to know."

She nodded almost imperceptibly.

He moved down the row. The tip of the accountant's pen rested motionless on the pad. The construction worker uncrossed his arms.

"You assume there's been an accident, a car crash. You plead with them to tell you she's all right, but the expressions on their faces, the fact that they are standing on your porch, tell you she is not all right."

The white sheets of paper stilled. Steiner uncrossed his legs and sat forward with a confused, bewildered expression. Patricia Hansen unclasped her daughters' arms and put a hand on the railing like someone at a wedding who is about to stand and object.

"Their words are harsh, matter-of-fact. Direct. 'Your wife's been murdered.' Your shock turns to disbelief and confusion. You feel a moment of absurd relief. It's a mistake. They're at the wrong house.

"There's been a mistake,' you say.

"They lower their eyes. 'We're sorry. There's been no mistake.'

"You step onto your porch. 'No. Not my wife. Look at my house. Look at my

car in the driveway.' You point up and down the block at your middle-class neighborhood. 'Look at my neighbors. Look at my neighborhood. People don't get murdered here. It's why we live here. It's safe. Our children ride their bikes in the street. We sleep with the windows open. No!' you plead. 'There's been a mistake!'"

He paused, sensing it now, seeing it in their hollow eyes, pleading for him to continue, yearning to hear the soothing comfort of his voice, taking in his words like drugs from a syringe.

"But there hasn't been a mistake. There hasn't been an accident. No. It was a deliberate, calculated act by a sick and depraved sociopath who, on that particular night, at that particular moment, was intent on killing. And there was absolutely nothing anyone could have done to prevent him from doing that."

He spread his arms, offering to shelter them from their pain, acknowledging the difficult task that awaited them.

"I wish the question before you was whether Emily Scott's death was a horrific, senseless killing." It was a subtle reference to Steiner's closing argument. "On that we would certainly all agree."

Heads nodded.

"I wish the question *was* whether her husband and their young son have suffered and will continue to suffer because of Carl Sandal's indecent act." His eyes scanned their faces. "More than any of us could imagine." His words blended with the drone of the fans in a hypnotic cadence. "But those are not the questions you must answer, that you swore an oath to answer. And deep within, each and every one of you knows that. That's what makes this so difficult. That's why you feel so pained. The question before you can't be answered by emotion. You must answer it with reason, in a case that has no reason. There is no good reason for what Carl Sandal did. There never will

be.”

Tears streamed unchecked down the blonde transit worker’s face. He looked to juror five, the auto mechanic from the Richmond district, and at that moment knew somehow that the man would be elected the jury foreman.

“I wish to God there was a way to prevent senseless, violent acts by predators intent on committing them. I wish to God we could do something here today to prevent anyone from ever opening his front door again and receiving the news Brian Scott received. I wish to God we could have prevented Carl Sandal from doing what he did.” He felt them now; he felt the part of them that had once resisted his words welcoming him. “But we can’t. Short of living in fear, barring our doors and windows and living in cages like animals . . . we can’t.”

He dropped his gaze, releasing them. They had opened their doors; they had greeted him into their homes. And at that precise moment, Sloane knew. He did not need to say another word. Abbott Security had not lost. And he wished to God he could have prevented that, too.

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