

Life for Sale

16th Annual Fiction Writing Competition Winner

by Lisa Siegel

16th Annual Fiction Writing Competition

The Editorial Board of the *Georgia Bar Journal* is proud to present “Life For Sale,” by Lisa Siegel of Atlanta, as the winner of the 16th Annual Writing Competition.

The purposes of the competition are to enhance interest in the *Journal*, to encourage excellence in writing by members of the Bar and to provide an innovative vehicle for the illustration of the life and work of lawyers. As in years past, this year’s entries reflected a wide range of topics and literary styles. In accordance with the competition’s rules, the Editorial Board selected the winning story through a process of reading each story without knowledge of the author’s identity and then ranking each entry. The story with the highest cumulative ranking was selected as the winner. The Editorial Board congratulates Siegel and all of the other entrants for their participation and excellent writing.

twisted the handle open on the office door. Painted across the smoky pane glass were the words “Fraud Unit.” We occupied the corner at the end of the hallway on the first floor of the State Judicial Building—Office of the State Attorney General. But behind the empowering titles were two beleaguered assistant attorneys. Ray “Hawk” Hawkins, a veteran of state government for 28 years (two shy of vested retirement for anyone asking), commandeered the window office with the overheating steam radiators. My office served as both law library and copy room, but it came with its own metal desk and swivel chair. I was one year out of night law school, but first in my class. So I didn’t expect much and tried to be grateful. Overhead ancient air ducts filled the confining interior space with the odor of day old coffee grounds and reheated mackerel that seeped in from the break room.

In the early morning hours, the office quiet soothed me. Hawk arrived every day at the last stroke of 9 a.m. From what I could tell he spent most of days chewing on the butt end of an unlit cigar and doing crossword puzzles. In 28 years he'd seen fraud coming every which way but Sunday. But now he admitted to "coasting." He had a clear case of burnout. If he had worked at a silk stocking firm, he'd be getting executive coaching and life balance counseling. Instead he refueled by playing the Friday afternoon dart tournament with the guys in Eminent Domain.

We'd gone through five secretaries and it was only March. Sema, a native of Iran ("Persia" she insisted), came to us from Temp World. She was a transient hire, looking for a full-time position with benefits. However, her lack of typing skills and familiarity with the English language posed a small problem. She made a mean pot of tea in the afternoon, though, so I'd endorsed her with Human Resources. Besides, I preferred typing my own pleadings. It gave me a sense of control in an otherwise chaotic world.

By the time the whole fraud unit assembled for another grinding day, I was on my third cup of Joe. While I swirled the dry compound that Purchasing referred to as "creamer" into my mug, Sema forwarded a call to me.

"Miranda. Caller on two claims she's has been vindlered."

"Swindled," Hawk corrected through his open door.

"You want I should give her number of Insurance Commissioner?"

Sema didn't have English down, but she was a quick study on the inter-workings of state government. She played "pass the buck" with the bravado of a tenured bureaucrat.

"Put her through," I said.

I heard Hawk flipping the pages of his *Daily Report* as I took the call.

Sema announced Mrs. Hilda Moore of Pinesville.

"Honey I don't know where to turn," Mrs. Moore's ancient voice

squeaked from Metamucil overload. I could already hear the death rattle. *Scam artists preying on the elderly again*, I jotted on my yellow legal pad. She continued.

"That nice man Billy Esposito came to see me after I sold my house. Billy used to work at the bank. My late husband—may he rest in peace—did business with him. I moved into a small condo after Mr. Moore died. Anyway, I had a little money left over. Nothing big, mind you. A few hundred thousand..."

I whistled under my breath. I'd heard this before. Billy Esposito knew just where to invest her money. We usually referred these cases to the district attorney. But I kept listening for patience sake.

"He suggested I invest in his brother's business. Insurance investments. The name was Southern Viatical."

I stopped doodling on my legal pad. I hadn't heard that term since the bar exam. Buying death payouts on life insurance policies. Legal, and to date, unregulated. I wasn't first in my class for nothing.

"Billy said not to put all my money in the bank."

"Good bank employee that Billy," I quipped.

"Anyway, he said I should invest it. Money should make money. That sort of thing."

"Make money for Billy and his brother rather," I said.

She paused to hack up some congestion while I waited, cringing.

"He showed me some paperwork on Southern Viatical. Said I could buy the right to be the beneficiary on someone else's life insurance policy. I could use my money to help those less fortunate. People that didn't have long to live. They'd use the money to take a nice vacation or make themselves more comfortable. In turn I'd buy their right to receive the death benefits when they died. Billy said there were only two sure things in life—death and taxes. Well, he was only right about the taxes part. I haven't seen a dime on my investment.



REAL PROPERTY
LAW SECTION

JOIN NOW!

*We're always
working for you!*

A-A-A
ATTORNEY REFERRAL SERVICE

Attention - New Attorneys!
Just went out on your own? New to Georgia? Let us jump start your practice. We have helped many. And they will tell you. References available.

(800) 733-5342
24-hour paging:
(888) 669-4345
LawyerReferralService@yahoo.com

LawyersUSA

Supreme Court • Technology

Practice Management

Verdicts Collection

Special Features • Marketing

Practice Areas • And More

lawyersusaonline.com

A Multimedia Reporting Company
Video and Demonstrative Evidence



**BULL DARTY
HOPSON & WORLEY, L.L.C.**
BOARD CERTIFIED COURT REPORTERS

**NEW NAME. MORE LOCATIONS.
SAME RECORD OF EXCELLENCE.**

Atlanta • Alpharetta • Cartersville • Dallas • Decatur
Ellijay • Fayetteville • Macon • Marietta • Sandy Springs

4651 Roswell Rd., NE, Ste. F504 • Atlanta, GA 30342
OFFICE 800-447-2855 FAX 404-256-0270
www.BullCourtReporting.com

Billy doesn't return my phone calls. Southern Viatical is registered as a business, but they don't answer their phone either. Just some automated voice directing you to a lot of numbers, but none for people with complaints. I've called everyone I can think of, but I just get the same story. They simply push me onto someone else."

I grimaced at that one. But who could help her? She'd been swindled out of her life savings. The story had been around longer than I had; only the scams changed.

"Can you help me, Miss Plotkins?" Mrs. Moore asked.

I hesitated. The Fraud Unit operated on a shoestring as it was. My redwell folders were bulging and tattered. Five days a week I juggled 64 active investigations. Weekends I did my own filing. The investigator assigned to our unit also handled wrongful deaths for Torts, prisoner abuse for Civil Rights and professional malfeasance for Licensing. He was so overworked he kept a desk in Death Penalty Appeals where no staffers dared to tread. Now old lady Moore from Pinesville thought I was her personal attorney.

"Mrs. Moore. I'm afraid I cannot help you. You need to hire a personal attorney."

"Honey, I can't afford an attorney. Billy took every cent I have. I'm living on \$650 a month in Social Security. I've had two strokes. The eye doctor says I have macular degeneration. And I have very bad feet."

"Perhaps a relative—"

"I don't have anyone left." Her voice cracked as she paused, "Look, I know my money is gone. I know you can't get it back for me. But these people are crooks. You still stop crooks don't you?"

I glanced through the doorway at Hawk who was still penning the crossword in ink. Without looking up, he shook his head.

"Yes, Mrs. Moore, we still stop crooks." *Some of us do that is.* "I'll look into it, but I can't promise you anything."

Hawk boxed his ears and squeezed his eyes shut.

After we hung up, I called out to Sema to open a new file under the heading "Southern Viaticals."

"Spell it," she ordered.

Hawk did it for me. I shot him a quizzical look.

"Just because I don't use it, doesn't mean I ain't got it."

"Whatever," I replied.

He rose from his swivel chair and came into my office where he plopped into a vacant armchair with a ripped vinyl seat covering.

"You may be the brains of this operation, but I've been around longer." He swung his stubby legs onto the end of my desk and crossed his feet. While I stared at the soles of his black lace-ups, he continued, "Viaticals were booming in the late '80s. AIDS cases brought in a whole era of sudden and totally expected death. Viaticals sold those death policies faster than a greased pig at the county fair. Problem was some shysters got to the AIDS patients and clean-sheeted the policy applications. Had them fill out the application as if they'd had a clean bill of health. Then before the ink was dry the viaticals swooped in like the Angel of Death and bought the policies—especially the phony ones."

"What about contesting the claims?" I asked.

"Two year statute of limitations. By the time the insurance companies figured out what was going on, the statute had run," he replied.

"So who made the money?"

"The brokers paid 50 percent on the policy to the real beneficiary. Then they sold the policy to people like little old Mrs. Moore for another upcharge. All perfectly legal by the way. Except for the clean sheeted apps, of course. On those they paid 10 percent on the policy. Guy's dead of AIDS in a few months and the viatical collected the whole benefit."

I bit the end of a roller ball pen and started to make some notes. "So why's Mrs. Moore out her investment?"

"Protease inhibitors."

"The AIDS cure?"

"Not exactly. But death was forestalled to the unforeseeable future."

"And Southern Viatical still had to pay the premiums." I scribbled so fast I couldn't read my own handwriting. Hawk waited.

"So now how do they pay the premiums?" I asked.

"My guess is a Ponzi scheme. They're taking Mrs. Moore's money and using it pay premiums instead of investing for a return."

Suddenly, two interesting frauds appeared on the horizon. Today was starting to look promising. I'd just about exhausted all the fun that could be had in chasing podiatrists for trumped up Medicare reimbursed bunion exfoliations. I shifted in my seat toward Hawk.

"Are you interested in looking into this?"

He shook his bald head. "I got two years to retirement. I officially announced I was coasting last year. Eminent Domain even threw me a party celebrating. I ain't got it in me."

I shrugged. In his day, he had pinched more white-collar criminals than a combined staff of nine trial lawyers. But that was back when Fraud still had some glory days. Now that an insurance fund had replaced governmental immunity, the tort lawyers were the office darlings. I was out of luck if I was ever going to see that side of Hawk Hawkins. He had the bitter look of a man who had swallowed something distasteful, and it still wasn't sitting well with him.

"Okay then. Just tell me what happened to the clean-sheeted applicants. Did anyone serve any time?"

"You think the state was going to round up a bunch of AIDS patients that already had the Grim Reaper knocking at their door? That'd make bad press for the office. Would overwork the prison docs too, no doubt. Nah, we gave our files to the insurance companies. They had their own fraud

units. We let them sort it out. They just raised the premiums for the rest of us schmucks."

"Don't tell me it was the viaticals that made you a permanent cynic?"

"Yep," he said, throwing his legs back to the floor and rising from his chair. "That and the boys in the state legislature that let them do business every day. Well, good luck to you is all's I can say."

I unraveled a paperclip absently. "Luck's about all I get around here," I said to myself.



Billy Esposito climbed the cracked concrete steps of the tenement building in the west end. The smell of burning trash wafted down the alley corridor. A dog wailed from behind a chain link fence. Two thugs sped by in a juiced Impala and flicked a spent cigarette at Billy's heel as they passed. The

screen door opened. A scowling white man with salt and pepper chest hair poking through a sleeveless undershirt stepped outside and spat tobacco juice off the steps.

"Come in," the man said to Billy.

Billy wiped his feet on the tattered mat and entered the dark room. The room stank of stale beer and vomit. Billy swallowed hard and tried to keep from gagging. He offered his hand. "You're Mr. Johnson?" he asked, trying to seem pleasant.

Johnson nodded, and then eyed him with suspicion. After a moment, Johnson motioned to two filthy straight-back chairs in the kitchen—the only room that offered a single-bulb overhead light.

After seating himself at the Formica table, Billy pulled the paperwork and a Mont Blanc pen out of his breast pocket. He slid the papers across the table to Johnson, uncapped the pen, and handed it to him, cap first.

"Where do I sign?" coughed Johnson. Billy smiled again. He'd trained himself to be a smooth professional in all environments, and goodness knows he'd seen some strange places. Still, he felt the insincerity of his forced smile as he clinched his jaws. The man's surly nature clung to him like a bad odor. *I've got to get this signed and get out of here*, thought Billy.

"Well first, Mr. Johnson, you have to answer a few questions." Billy pointed to the row of numbered questions at the top of the insurance application.

"This here?" questioned Johnson, pointing to the top of the row.

"And all the way down."

Johnson read silently. Then he looked up. "How should I answer these? I wouldn't be doing this if I didn't know I was a goner with my liver."

Billy nodded with serious concentration. "I can only tell you if you've given a good or bad answer."

"I've been involved with Georgia Lawyers Insurance Company since day one, so I can tell you that our goal has always been to serve the state's lawyers in a reliable way—a way that they have never been served before. When you call Georgia Lawyers, there's always a real person to help you—that alone is practically unprecedented."

Robert M. Brinson

Vice President, Georgia Lawyers Insurance Co.
Founding Partner, Brinson, Askew, Berry,
Seigler, Richardson & Davis, LLP



113 Ebenezer Road
Suite 103
Fayetteville, GA 30215
770-486-3435
Fax: 770-486-3395
Toll-Free: 866-372-3435
GaLawIC.com

Call us today or
visit our web site
for a no obligation
"QUICK QUOTE."



IT'S TIME TO GROW YOUR RETIREMENT



Legal professionals know that growing a future begins now. A good start is selecting the right resource for a retirement plan for your firm. Your best option may be the cost-effective program that was created by lawyers for lawyers, and run by experts.

ABA Retirement Funds has been providing tax qualified plans for over 40 years. Today our program offers full service solutions including plan administration, investment flexibility and advice. Now we also offer our new Retirement Date Funds that regularly rebalance the fund's assets based on your selected target retirement date. Plus, our program now accepts Roth 401(k) contributions from profit sharing plans that currently offer a 401(k) feature. Isn't it time to start growing your future with the ABA Retirement Funds?

LEARN HOW YOU CAN GROW YOUR FUTURE WISELY | Call an ABA Retirement Funds Consultant at 1-877-947-2272 www.abaretirement.com

GET A FREE PLAN COST COMPARISON
Is your plan as cost-effective as it could be?
Just call 1-877-947-2272 for a custom cost comparison



For a copy of the Prospectus with more complete information, including charges and expenses associated with the Program, or to speak to a Program consultant, call 1-877-947-2272, or visit www.abaretirement.com or write ABA Retirement Funds P.O. Box 5142 • Boston, MA 02206-5142 • abaretirement@citistreetonline.com. Be sure to read the Prospectus carefully before you invest or send money. The Program is available through the State Bar of Georgia as a member benefit. However, this does not constitute, and is in no way a recommendation with respect to any security that is available through the Program. 11/2006

Johnson shrugged and moved to darken the “yes” circle under question two. From experience Billy knew it read, “Have you been diagnosed with any disorder?”

Billy reached over and touched his arm. “That’d be a bad answer,” he said.

Johnson squinted at him. His eyelids were blue-tinged; and his eyes when open were blood-shot and phlegmy. His voice had the harsh crackle of too many nights spent swilling Tequila and smoking weed.

“How do I know they won’t come here asking questions?” Johnson asked.

Billy crossed his arms against his chest. “The death benefit here is very low. Mutual Life doesn’t ask questions about \$50,000.”

Johnson held the pen over the paperwork. “You got my check?”

Billy patted his breast pocket. “Five thousand,” he assured him.

Outside the dog howled and pawed at its chain link fence. Johnson bent over the paperwork, concentrating as he darkened a string of “no” circles.

After a few minutes, Johnson raised his head. “Whose the beneficiary?”

“Your Aunt Gladys,” said Billy. He was parched, but would never drink a glass of water in this place.

“I don’t have an Aunt Gladys,” he replied.

“Doesn’t matter. In a few weeks you are going to change it to Southern Viatical.”

“Why not put down Southern Viatical? Save me the paperwork.”

“Red flag,” he answered. “We just need this to get stamped ‘approved.’” Billy made air quotes over his head. “Some other department handles the change of beneficiaries.” He pulled another document from his breast pocket. “I brought the Change of Beneficiary form for you to sign today as well. We’ll mail it in for you.”

As Johnson finished the paperwork, Billy felt beads of sweat roll down the back of his starched white shirt. His head throbbed with an oncoming tension headache.

He had recently begun to frequent the halfway houses and tenement dwellings where the drug addicts and alcohol abusers maintained a low residence. He paid \$10 to a 12-year-old foster kid who gave him the names of chronic abusers. Charity Hospital routinely took them in for a detox, a shave and a hot meal. He never imagined that this would get worse than the AIDS epidemic. But it was AIDS that made him greedy.

He and his brother Antonio had set up Southern Viatical in their basement while juggling day jobs in banking and finance. The obit page of the *Daily Report* spawned the idea. Day after day, death announcements of young men took up space in the column usually assigned to the elderly. Antonio understood how the viatical industry worked. He set up the accounting balance sheets while Billy made friends in the gay community. At first it had been too easy. Mutual Life, Benefits Inc., U.S. Indemnity—none of the big insurers raised a head at the claims. He and Antonio got cocky. Billy traded in his Honda Civic for a BMW series. Antonio traded in his wife for a younger model; then he got a Mercedes. They took west coast golf trips, bought tailored suits, paid private school tuition, and relaxed with hot stone massages. The wives had standing facial appointments. The decorator was on speed dial. They were living the good life until the death rate started to slow down.

Outside Billy could barely catch his breath. The stench in the tenement room had nearly done him in. His cell phone buzzed.

“Billy, it’s me,” said his older brother Tony. “Some broad from the State Attorney General’s office is calling. Seems old Mrs. Moore’s been complaining again. I thought I told you to take care of that.”

Billy hesitated. “I never returned her phone calls. I thought she’d be dead by now.”

“Well she’s not dying of old age anytime soon.”

“How do you want me to take care of it?” His voice notched an octave higher with irritation.

“What do we owe her?” Tony asked.

“One hundred and seventy five,” Billy replied.

“Geez Louise,” Tony whistled. “No can do. What other ideas you got? We don’t need lawyers asking questions.”

“What do you want me to do?”

“Get rid of the problem,” Tony said.

Billy coughed. Tony always talked a big game, but he was useless on specifics. “How?”

“I think it’s her time that’s all.”

“Time for what?”

“Time for Mrs. Moore to take a dirt nap,” Tony said.



“You kid? Right?” asked Sema. She was gathering her coat for the end of the day. I had it on good authority that Sema was trying to get hired in Torts as a file clerk. But who could blame her for the chance of getting a benefit package against being our temporary employee?

“Well, I’ve tried to call Mrs. Moore back to do a further intake investigation, but she hasn’t answered the phone. Which is odd, because last week she called every day. I’m driving out to her house after work.”

As we were putting on our coats, Hawk entered the smoky glass pane door. He had returned from the dart tournament a little jazzed. I figured his pockets must be flush, and he was itching to get to Manuel’s for a few brews and another take at the dartboard.

“Hawk. You talk her. She crazy.” Sema grabbed him by the elbow and flailed at his chest with the other hand. She was melodramatic given her nearly certain departure from our unit next week.

He gave me an impatient look. “What’s the matter, Sema? You trying to stop First in Her Class from spending Friday night playing in an online chess match?”

While he chuckled to himself, Sema blurted out, "She driving to old lady's house. One who buys the dead men."

Hawk's face drained of color.

I tossed a nonchalant shrug. "She won't answer the phone."

"Look here. You're going too far."

"You'd have done the same thing in your day."

"Leave my days out of this."

I walked past him with my briefcase in hand. "I'm going."

As he followed me, I tried to keep from smiling. I didn't actually know he'd come, but I'd always hoped he hadn't entirely checked out and turned in his key. "I'm coming with you then," he said.



What frightened me were moments when I didn't know what was on the other side of the door. My life had often been like that as a child. One alcoholic parent. Another battling mental illness. No one knew enough to call it bipolar disorder back then. Closed doors frightened me. Too much silence frightened me. I longed for a world of order over clutter; rules over anarchy; reason over emotion; and the straight narrow path of logical reasoning. I didn't even mind being alone so often in my ordered life. It was being abandoned on the other side of a closed door that could still make me shiver.

My hands shook as I knocked on the door. "Mrs. Moore," I called out.

"God, you've picked a bad time to be timid." Hawk came up beside me and pounded on the door. "State attorneys," he bellowed from behind the wood. The lights inside were dim. A brisk evening wind rustled the elderberry bushes by the front steps.

He gave me a hard look. "Now it ain't like we've got any authority to go busting in. So I suggest you get on the phone there and call the local police."

I was peering through the glass side panes. Two orthopedic shoes pointed toward the low ceiling in

the den. "Oh my God," I called out. "She's on the floor!"

"I'm busting in!" Hawk hurled his body against the door. It didn't budge.

"Move over!" I shouted to him as he nursed his shoulder. I took out a hairpin from my purse and jimmied the lock. "Let's hope she wasn't one for deadbolts." The lock gave and we let ourselves in.

I raced to Mrs. Moore and felt for a pulse. She was cold and stiff. Hawk put a hand to his mouth. "She's been here a few days. I'll call the police."

Something about her lying there made me a shudder again. I had never actually seen death before. I had only feared seeing death. Sometimes I would find one or both of my parents flung across the sofa in a state of intoxicated stupor, fast asleep with their mouth hanging wide open. I imagined that was death; but later in the day they would rouse and struggle to the bathroom to puke. Death never took them; but he was frequently invited to stay for dinner.

Alone with Mrs. Moore while Hawk stepped outside to telephone the Pinesville Police, I bent down to get a closer look. Something about her body disturbed me. I had the overwhelming sensation that she had not expired calmly of heart failure on her way to the kitchen to reheat a can of soup. Her head was bent backwards; and her gray hair lay about the sides of her wrinkled face. The waddle of flesh under her chin was purplish. I pulled back the collar of her shirtdress. Peering closer, I saw markings on her neck from some type of coiled cord. Quickly, I stood up and looked around the room. A black dial phone—without its cord—sat askew on a table by the sofa. Mrs. Moore had been killed. And whoever had done it had used the one thing Mrs. Moore had left in this isolated world. The telephone. Her last connection to a complicated world.

"Hawk," I called as I bolted out the front door where he was stand-

ing on the porch, a cell phone to his ear. "Tell the police it's a homicide." His mouth dropped as I heard the dispatch on the other end call out, "Sir. Sir?"



That Monday morning Attorney General McGarmon gave us subpoena power over the viatical industry. By the way our unit's phone rang off the hook I could tell the fraud unit was having a resurgence of its glory days. Even Sema seemed unsure about finalizing her transfer. But despite the office buzz, Hawk and I had hunkered down in his back office for a game plan. We compared notes from a morning's worth of telephone calls.

"The coroner says a few more days and decomposition would have set in. The marks on her neck would have been impossible to note in an autopsy," Hawk advised, not looking up from his legal pad.

"Somebody knew she didn't have any next of kin to look in on her, I bet."

"And they underestimated our Miss First in Her Class." He looked up at me, grinning finally. I hadn't seen him smile in three days. We'd spent Friday night knocking back beers at a tavern on the south end of the county. Both of us gearing up for what looked to be an ugly investigation. By downing some liquid courage, I guess we thought we could fortify our own limited emotional strength for the task. Not that we admitted it to one another, much less ourselves.

Saturday morning we'd dropped a subpoena on the First Bank of Pinesville to get the records of Mrs. Moore. The sheriff had driven the box of records up to my office that morning.

"Hawk," I interrupted as he was speed-dialing, "Check this out." I passed him the ledger sheets. He studied it while I snapped a No. 2 pencil. While he was reading, I summed it up.

"Last Tuesday she deposited a check for \$5,000 in her checking account."

"Which had been overdrawn," he said, flipping the pages.

"The payor on the check was our friend, Southern Viatical."

He dropped the ledger sheets on his metal desk. "So Mrs. Moore figured out how to get Southern Viatical to return her phone calls."

"Yep. She offered her life for sale."

"Literally." He leaned back in his swivel chair and laced his fingers behind his head.

"What do we do now?" I knew we were on the cusp of a full-throated explosion, but I hesitated to call the first move.

"We drop in on Southern Viatical this afternoon. With a subpoena."

"Sema," I called out from our sanctuary, "Start typing."



Despite Southern Viatical's documented financial struggles, they apparently still kept up their rental payment on prime real estate in the business district of the city. Hawk and I stood in the Grand Lobby of the 1300 Atlantic Plaza Building. Curved oak staircases flowed down to plush Oriental carpets. Sconce lighting on the wood paneled walls illuminated reprints of eighteenth century oil paintings from the Old Masters. Delicately hidden in the back, the elevator banks trilled their passage to the upper regions. Security kept us from going straight up.

"Someone will be down to meet you," said the security guard. Underneath his pressed blue uniform, he had the buff arms of a nightclub bouncer.

An attractive young woman wearing a smartly tailored pantsuit and carrying a clipboard greeted us as she crossed the Oriental carpet.

"Susan Devlin. Southern Viatical," she said, extending her hand.

"Ray Hawkins. Here's a subpoena." He shoved the paper into her

extended palm. "Now if you'll see us upstairs."

She stopped smiling immediately. "I'm sorry I can't do that. You'll have to schedule an appointment."

I intervened. "No. We don't have to schedule an appointment. You have to comply with a subpoena."

She blocked our path to the elevator bank. "I've been instructed by Mr. Esposito to have you wait on our lawyer. He'll be arriving shortly. You'll be very comfortable in the lobby."

Hawk pushed past her, and as he did so, her high-pitched voice called out, "Security!"

Before I could plant my sensible low-heeled shoes on a patch of tile floor leading to the elevator bank, two security guards appeared with whistles and bully clubs. "Hold up," they called from behind. Hawk and I stopped in our tracks.

Hawk flashed his government credentials. Unfortunately, a laminated nametag does not convey the authority of a badge.

"We're here on a subpoena," I said, "State attorney general. And all of you are interfering with a fraud investigation."

A booming baritone hollered from the parking garage entrance. "Stand aside gentlemen and ladies." We all turned in unison as T. Reginald Rowland entered the Grand Lobby. He wore a black cashmere trench coat and a fedora hat. His hair was cotton white, and he flashed a toothy smile. I had seen him before as a talking head on the cable legal shows that I was fond of watching in the evenings. His antics as a criminal defense attorney were legendary. From behind me, I heard Hawk let out a long sigh.

Rowland moved toward Hawk and extended his gloved hand.

"And I was sure they'd retired you by now, ole chap. How's it going?"

Hawk didn't budge with a smile, but he did offer a firm grip to the outstretched hand. "I'd be doing better if I could do my job today," he said.

Rowland turned to the minions clustered around us. "I've got it from here," he said.

"Let me see that subpoena." He took it from the Girl Friday, and she quickly scampered back upstairs.

Rowland removed his reading glasses from his coat pocket and scanned the document.

"Not enforceable," he said. "The state has no jurisdiction over this private company. Licensed to do business in the state, I might add."

"Take it up with the court," said Hawk.

"Violation of the civil rights of the sole shareholders, as well."

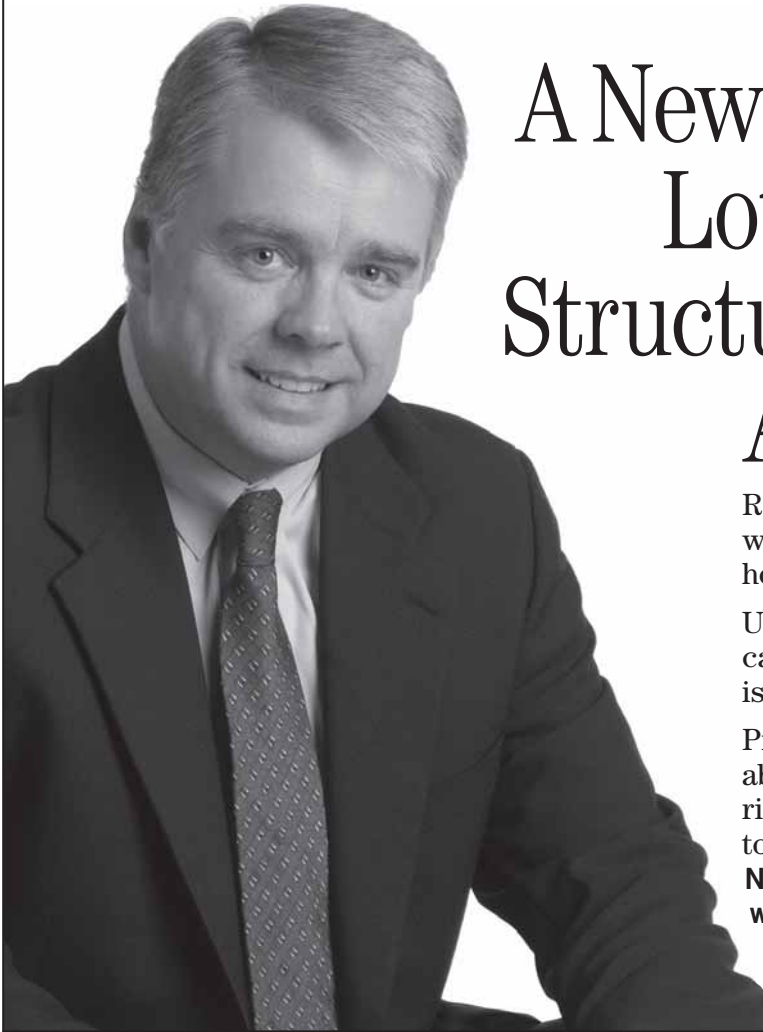
"Cry me a river, Rowland. I'm going upstairs."

"Hawk Hawkins," Rowland called out, sauntering after him. "You move to take any documents out of this building and I will have your job." Then as an afterthought, he turned to look at me. "Both of your jobs."

Hawk turned to stare him down. The two men faced one another in the Grand Lobby. Hawk stood slump-backed, his loose brown suit jacket hanging off his rounded shoulders. Rowland, by contrast, in his tailored cashmere double-breasted trench, had the erect posture of a Citadel graduate.

Hawk leaned toward Rowland, "You need to realize that taking my job is not a threat." With that he turned and motioned me to follow. Rowland flipped his cell phone and held it to his ear. "I'm instructing my clients not to comply," he yelled out to us.

"Show me an order!" called Hawk as entered the elevator. As the doors closed, Hawk let out a tremendous sigh. Then he looked at me and winked. "What's the worst that could happen? Fancy Pants goes to the legislature and keeps Appropriations from raising our salaries for 20 years." He laughed. "Oh, I forgot. They've done that already." I hadn't heard him laugh since I started at the department. For the first time in a long while, I broke into a genuine smile.



A New Cash Option for Lottery Winners & Structured Settlement Annuity Holders

Recently enacted statutes now afford lottery winners, structured settlement and annuity holders a **NEW CASH OPTION**.

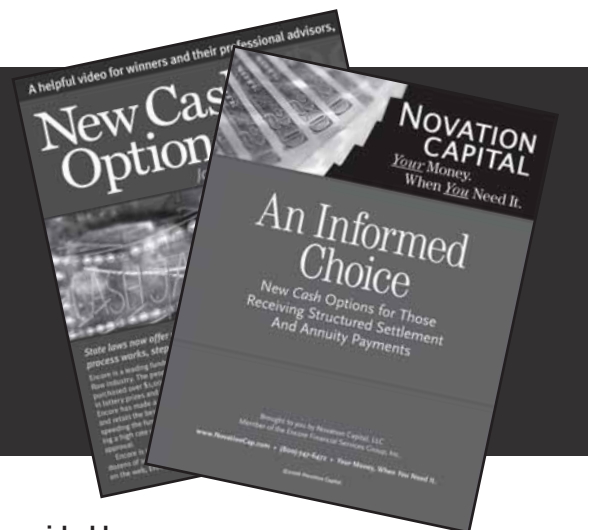
Under applicable state and federal law, this new cash option is available if a conversion to cash is presented to and approved by a court.

Professional advisors who want to learn more about how these new laws give consumers a right to convert their future payments into cash today, should call **(800) 486-1525** or visit **www.NewCashOption.org** (structured settlements) or **www.GeorgiaWinners.com** (lottery prizes).

Call (800) 486-1525 (toll free) to learn more.

Ask for these **FREE** informational DVDs

- “An Informed Choice: New Cash Options for Those Receiving Structured Settlement and Annuity Payments”
- “New Cash Options for Lottery and Jackpot Award Winners”



An Information Service provided by
NOVATION CAPITAL LLC
“Helping You, Help Your Clients.”

Member of the Encore Financial Services Group, Inc.
www.NewCashOption.org | www.GeorgiaWinners.com

Southern Viatical had a long history of clean-sheeting AIDS patients. But true to form, as protease inhibitors extended their life span, the Espositos moved into new territory. Drunks and drug users.

§

On the 19th floor of the Atlantic Plaza building, we waited behind the locked office lobby doors of Southern Viatical. With our ears pressed to the polished wood double doors, we could hear the paper shredder ripping it up. Footsteps scrambled back and forth. The Esposito brothers shouted to their underlings. The office telephone line rang repeatedly and no one answered.

When our GBI back up appeared, Attorney General McGarmon came with them. He'd pulled a Death Penalty lawyer off a Supreme Court appeal to handle the emergency motion to quash our subpoena. Plus, some of the guys in Eminent Domain had stayed up all night to review the Mutual Benefits documents—which according to the attorney general were rampant with clean-sheeting fraud. That alone was enough to bust the Espositos even without their blatant document shredding. As we entered the office suite, Attorney General McGarmon personally slapped the cuffs on the Esposito brothers. He'd brought along a *Daily Report* photographer and a reporter to document the moment. Hawk and I stood to the side like a couple of rubber-neckers at a traffic accident.

§

In the end, we got what we needed. Southern Viatical had a long history of clean-sheeting AIDS patients. But true to form, as protease inhibitors extended their life span, the Espositos moved into

new territory. Drunks and drug users. When that segment of the population proved less than compliant, they started using new investments to pay the premiums on the death policies. People like Mrs. Moore handed their money over, and it went to pay off old debts in a standard Ponzi operation. With the good press generated by that *Daily Report* photo, the attorney general put pressure on the legislature to place viaticals under the regulatory arm of the Insurance Commission. Hawk petitioned for a pay raise for the staff as well, but the Speaker of the House said we were all “getting a little too big for our britches.” Of course, upon the advice of T. Reginald Rowland the Espositos weren't talking. But a secretary they'd hired from Temp World had some interesting testimony about a conversation she'd overheard. Something about “Mrs. Moore taking a dirt nap.”

§

I was in my office sorting through the detritus of our final investigation when Sema (who was now a permanent hire of the Fraud Unit) called out from her desk.

“Miranda. Virtual Benefits. Something about a tuna fishery.”

I took the call. It was Mutual Benefits calling about a beneficiary.

“Yes, I know Mrs. Moore,” I said. “She filed a citizen complaint with our department a few months ago. I understand she'd recently changed the beneficiary of a life insurance policy she had with Mutual Benefits.” I figured Mutual Benefits would be glad to know

their payout to Southern Viatical would be stalled in the court system indefinitely. I tried to explain the legal ramifications, but the adjuster interrupted me.

“But Southern Viatical is not the named beneficiary, Miss Plotkins.”

I stopped my train of thought for a minute. “Well, there is no Aunt Gladys either, I'm afraid.”

“You don't understand, ma'am.”

“I know it's complicated. Just send us the paperwork.” I started to hang up when she said, “You're the beneficiary.”

“Excuse me?” My voice did a double take.

The woman on the other end continued. “Mrs. Moore did change the beneficiary to Southern Viatical. But the very next day she signed another change of beneficiary form. Our lawyers have reviewed it; and the handwriting matches Mrs. Moore. She named you ma'am. You are Miranda Plotkins, assistant state attorney general?”

After I coughed out a “yes,” she asked me where I wanted the check for \$200,000 deposited.

The thing was—people rarely surprise me. I don't like to think I'm an old cynic like Hawk and the guys in Eminent Domain, but unselfish good gestures were not acts I'd had a great deal of exposure to in my relatively young life. I'd carved out a careful existence for myself. A nice law practice that served my sense of justice. A quiet life undisturbed by the emotional upheavals of husband and children. I lived as a solitary creature; happiest at home with my books, my Irish setter and the remote control. Lonely had always been preferable to opening that door and finding the wrenching havoc on the other side. That one might open that door just a tad and find the kind heart of another lonely soul had not occurred to me.

When I entered Hawk's office, he was on his hands and knees sorting through the paperwork in a backlog of Medicaid fraud cases.

He did a once over when he saw the look on my face.

"What's up First in Your Class? Some silk stocking firm offer you ninety gees?"

"More surprising. I've come into some money."

He looked genuinely pleased. "Well no one deserves that more than you. Where from?"

"Mrs. Moore. Seems she sold her life insurance to Southern Viatical. Took their \$5,000 and executed a change of beneficiary form to them." He nodded, waiting.

"Then the next day she mailed out another form. Naming me as the beneficiary."

He whistled low. "She scammed the scammers."

"Why me, Hawk?"

He studied me carefully. "She knew you were the sort of good person who'd come looking for her if anything ever happened."

"But I'm not. I didn't want to even take her call."

"But you did take her call. You take all the calls."

I sat down in one of his broken armchairs. "I just can't believe she left me that money."


"You can't believe that there are good people still out there in this heartless world. You're all but-toned up, First in Your Class. That's not the worst thing in the world for old-timers like me. But you—you're young—you ought not give up just yet." He rose unsteadily from the floor and took a seat behind his desk. "None of my business. But your life's been on hold. Here's your shot. Go do something. Believe in yourself."

I laughed. "Hang out my shingle. Miranda Plotkins, Attorney at Law. Something like that?"

"Not the most daring proposal I ever heard, but it's a thought."

"Or I could just stay here. Thirty years as state fraud lawyer isn't the worst thing."

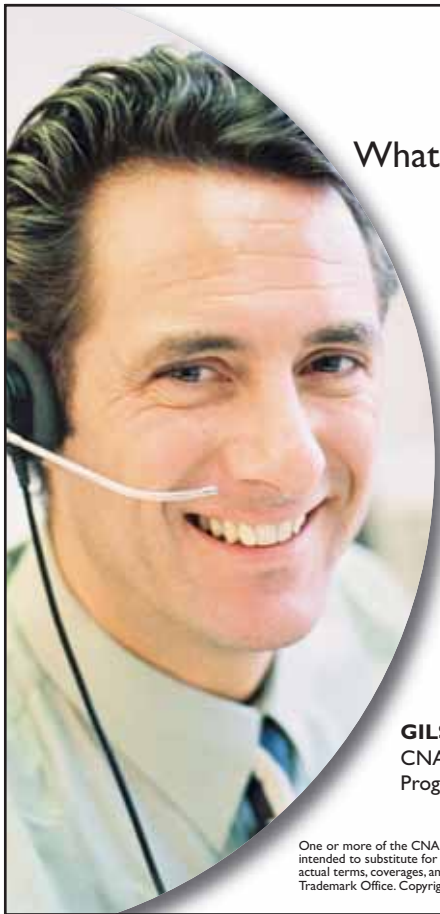
"Well, it's your life," he said.

I left his office and shut the door behind me. For the first time, I felt that the path of my own life might not be such a narrow bridge after all—with a cliff of hazards on both sides. Maybe my life's path was a meandering trail sheltered by live oak trees and the overgrowth of scented vines. I only had to accept a different view. If there's anything this viatical investigation had shown me, it's that all lives have a price tag. And the value on mine was going up. 



Lisa Siegel is a former assistant attorney general for the Georgia Department of Law. She is currently in private practice in

Atlanta where she does contract legal writing for attorneys. Her short stories have been published in *Carve Magazine*, the *GSU Review*, the *Emrys Journal*, the *pacificReview*, and the *Pig Iron Press*.



WE KNOW

What Your Professional Liability Policy May Be **MISSING.**
DO YOU?

Call **GILSBAR** today for a no-obligation policy comparison. We have the knowledge and expertise to help you understand the advantages of the CNA policy.

For more information, please call us at

1-800-906-9654

or visit us online at

www.gilsbar.com/quickquote

GILSBAR is the exclusive administrator for the CNA **LAWYERS PROFESSIONAL LIABILITY** Program in the State of Georgia.



One or more of the CNA insurance companies provide the products and/or services described. The information is intended to present a general overview for illustrative purposes and is not intended to substitute for the guidance of retained legal or other professional advisors, nor to constitute a contract. Please remember that only the relevant insurance policy can provide the actual terms, coverages, amounts, conditions and exclusions. All products and services may not be available in all states. CNA is a service mark registered with the United States Patent and Trademark Office. Copyright © 2006 CNA. All rights reserved. MK-07-100066