

# Merriman's Second Chance

By Wilmot B. Irvin

## CHAPTER ONE

“I desire to practice the law again.”

John Merriman delivered the declamation in his distinct stentorian timbre, this time flavored with a hint of humility. There was a quaver in his rich, strong baritone, but it delivered the message Merriman meant to impart. He was sixty-three and penniless.

The meeting of the Commission on Character and Fitness was a solemn occasion. Six of its seven members were seated at the burnished mahogany bench inside the windowless chamber of that body's offices. Each was frowning. Each knew John Merriman. None wished to reinstate the scoundrel, yet they knew they would.

The Commission's lawyer stood.

“Mr. Merriman has completed the requirements for reinstatement. His six-month suspension has run its course.” He paused and sighed, as if tired to the bone. Then, grudgingly, he came to the point. “Our investigation has unearthed no valid reason to oppose his request.”

A smile, barely perceptible, took form in the corners of Merriman's mouth and eyes.

The commissioners retired to an outer sanctum. After a perfunctory recess they returned to the inner chamber. Merriman stood. The chairman announced the inevitable result.

“Your request for reinstatement is granted, Mr. Merriman. May God have mercy on our courts and their litigants.”

## CHAPTER TWO

With a brisk step and the assistance of a cane, Merriman walked the two blocks from the court building that housed the Commission's well-appointed chambers to his shabby office on the ground floor of a dilapidated building on the corner of Northampton and Champagne Streets.

It was misting rain. Withdrawing a single key from the pocket of his tattered vest, Merriman unlocked the door and entered. To his left was a straight-backed chair. On its seat lay a cracked cedar shingle with two eye hooks screwed into its top. He turned the board over to its painted side and read with pride: "John Merriman, Attorney at the Law." He exited the dismal chambers long enough to hang the advertisement on a pair of rusty nails sunk into the brick mortar just to the right of his office door.

He was back in business.

He had always practiced alone. The solitude masked the depravity of his practice to nosy outsiders. He was in his thirty-seventh year at the Bar. He had been reprimanded three times. And there was the one suspension. He was guilty of many more offenses than those. But there was no secretary, no office manager, no law partner, not even a clerk. And file cabinets could not talk. So the Office of Disciplinary Counsel was none the wiser.

His stock in trade was petty criminal defense and automobile accident cases. There was little paperwork involved. He always got his dirty money for the criminal work up front. And his standard fee for the wreck cases was an unabashed forty percent. His overhead was next to nothing. He had runners who worked for the police department that sent him clients. He nearly always settled the wreck cases, and his criminal clients routinely entered into plea bargains. They were as guilty as sin, and so was Merriman.

He walked to his desk and sat down. It was pine with a walnut veneer. The top was littered with old newspapers and letters. The receiver of his telephone was off the hook. That way, if anyone called during the period of his suspension, they didn't hear the mandatory recording that notified callers he was suspended from the practice. It just rang busy instead. There was an ashtray next to the phone, full of moldy old butts. It had been six months.

Merriman kept a thick foam rubber cushion on the seat of his desk chair. Years ago he fractured his spine in an altercation with a witness in one of his criminal cases. It occurred in a dive bar by the name of O'Leary's. He fought his way in, conducted his business, and fought his way out. The doctor prescribed narcotics and bed rest. Merriman rejected the advice to lie supine but filled the prescription for morphine, to which he promptly became addicted. For a while it allayed the sharp pain in his back. But by the time he swore off the drug, the fracture had clumsily fused, and the intense throb turned to a dull constant nagging ache. Thus the foam rubber cushion.

He replaced the receiver long enough to get a dial tone and then punched the buttons. The number was emblazoned in his memory. After a few rings a voice came on the line. "Hallo?"

"Dabney, it's Merriman. You do good work."

"Well, then, I suppose congratulations are in order, counselor. By the by, when do I get paid?"

Merriman knew the answer. For a moment he considered a contrivance. Then he decided the truth was best. After all, the seventh member had not been present. And that was worth his livelihood.

"As soon as I get my first fee. You'll get half, if it takes it. And the rest will come, just as night follows day." Merriman spoke the latter clause with a lilt, taking pride in his certain literary flair.

The seventh member of the Commission on Character and Fitness was one Malcolm T. Prescott. He harbored an abiding hatred of Merriman. He knew Merriman for what he was. And Prescott wasn't about to let him regain his license to practice without a fight.

By turn of ill fortune, Prescott awoke that morning to find all four tires of his vehicle slashed and flat. When he tried to telephone the Commission to seek a delay in the proceedings he discovered his phone line was dead. He set out on foot. It was misting rain. He arrived just moments after Merriman had left the building. Prescott was damp to the bone and irate.

Dab hung up the phone. A warm sense of self satisfaction spread like a virus through his belly. He liked Merriman. The unsavory lawyer was one

of his own. Merriman defended the downtrodden and sued the fortunate. Dab himself had needed the services of Merriman on more than one occasion. And on the first of those occasions, Prescott, who was then a young, inexperienced solicitor, prosecuted poor old Dab with a vengeance. It was one of the rare occasions when Merriman actually took a case to trial.

There was a ringer on the jury—one of Merriman’s former clients. He persuaded the other eleven to disregard the prosecution testimony of two eyewitnesses in favor of a shifty-eyed character Merriman called to the stand at the last minute of Dab’s defense. Even Dab himself blushed at the palpable lies the witness told.

But it was over, Dab’s first case in this system of justice Merriman succeeded in perverting. And Dab was forever grateful.

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