



The Secrets of a Client Are Inviolable

By Janice Law

As a young boy, Sam galloped his horse nearly every night along Highway 90/67 toward Alpine to puzzle over the lights. Flashing blue, red, green, and white spheres and rays darted, retreated, and advanced at supersonic speeds across the West Texas sky, teasing human intruders since the Comanche rode the high desert — and maybe before.



Childhood hearts pounding, Sam and friends spurred full speed into the phosphorescent conflagration, hoping to encounter the elusive source. But no matter how fast or long they rode sweaty toward the Rio Grande — past groves of resolute mesquite trees and elegantly thin, tall ocotillo cactus — there was nothing there.

As an adult, Sam returned home for a few September weeks to help his father saddlebag his solo practice in his final days of a lost battle with cancer. Sam felt as anxious as an unrequited lover — awaiting darkness to revisit the seductive lights.

Thirty years of responsible adulthood practicing patent law in faraway Houston had not dulled the crisp edges of his fascination with this phenomenon, a secret kept by locals in decades past for fear of being ridiculed as gullible rancher hicks. Now sophisticated scientific types arrived to study what disobeyed earthly laws of physics. But the mystery in the stark desert, famous for its absolute silence, remained unsolved.

To prodigal Sam, the zapping dots and shafts seemed significantly brighter tonight — filling the vast sky with a more intense spectacle, as if somehow their energy was ratcheted way up. His observation was contrary to the universal experience of remembered childhood haunts seeming smaller, less imposing when viewed with adult eyes. Increased dazzle will please the tourist hordes expected for the annual Marfa Lights Labor Day Festival, Sam thought, admiring the spiffy new roadside viewing platform.

On the nine-mile drive west back to Marfa Thursday night, Sam turned off the AC and rolled down the windows to let the desert air desiccate his nostrils at 4,465 feet above sea level. Heaven. He was staying with his father, asleep in his tiny house near the Hotel Paisano, where Elizabeth Taylor and James Dean stayed in 1956 when they filmed *Giant*, creating a sensation among the 2,000 or so residents.

Sam and his father had agreed to meet the next morning in his office above a feed store to review his father's client files together. Sam realized that theirs would be a short goodbye. Lymphoma. Both Sam's wife and his mother died years ago. Sam was an only child whose two adult children were long married.

So Sam found himself middle-aged in Marfa, reverting almost to his youth: A single man with no obligations other than return

to a high-stress urban law practice. Sam didn't anticipate that his father's client file inventory would take long. Small-town lawyers accept whatever business walks in the door. He often wondered what kept his father in Marfa.

Sam wasn't prepared Friday when his father handed him financial statements indicating his estate included about \$80 million.

"Dad! How did you accumulate this level of wealth?"

His father had the look of one who, anticipating his son's disbelief, had prepared a response well in advance.

"All these years, son, I've had only one real client," his father said, handing his son a file.

"Dad, this file is empty!" Sam exclaimed, turning it upside down. Unnoticed by Sam, a small object tumbled into the worn carpet.

"Because my client Donald Judd died in 1994. Lymphoma. Same as I."

"Judd, the artist here in Marfa?"

"Yes. As a soldier headed to Korea, Judd became enamored of our Marfa area when his military bus to Los Angeles stopped nearby at dusk in December 1946. In 1971, when he wanted to flee New York City, Judd returned here. I helped him purchase massive acreage and most of Marfa. For several years until 1983, a foundation was paying Judd \$17,500 a month for his services. Serious money then. Subsequently, New Yorker-types transitioned here to continue with a foundation and running the museums where Judd left his artwork."

"So you accumulated \$80 million working with Judd?"

"You might say that. I've willed it all to you. There's material on the windowsill about Judd to read before meeting my remaining client tonight."

"But Dad, if Judd is dead, who's your client?"

"Heirs, successors, and assigns."

"And we are meeting our client at night?"

"Right. I'm going home to nap. Feeling sicker. Come to the house just before dark. We'll go together."

With Sam's engineering background, aerial diagrams in his dad's file of Judd's Marfa installations — printed in an obscure doctoral thesis — particularly attracted his attention.

One Judd creation was 15 groups of concrete boxes along Highway 67. The other diagram was of Judd's 100 metal, milled aluminum boxes inside a glass-walled shed.

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An academic opined that the 100 boxes “do not seem man-made” and “look like some enormously complex futuristic calendar,” and “had the appearance of being manufactured totally without human involvement.” Another book likened Judd’s concrete boxes to ancient megaliths, creating “a space-time cosmos.”

Decades ago, Sam flew over famous lines on another high desert — in Nazca, Peru. Until viewed from above, no one realized those lines form a solar system map. Sam’s analysis was so bizarre, he needed validation. He scanned and emailed the two diagrams to a friend who was a NASA engineer, hoping he’d be in on a Friday afternoon.

The responsive email binged in about 20 minutes. “The one with 15 groups of squares depicts a Fibonacci-based computer using more sophisticated algorithms than anything I’ve ever seen,” his friend said of Judd’s concrete boxes. “If the 100 shapes in the other diagram are metal, it’s a complex system for creating an incredibly powerful electromagnetic field. Is this a new patent you’re representing?”

The 7 p.m. freight train rumbled the building, slightly dislodging a silvery white stone from the carpet where it fell this morning. When Sam put it in his pocket, it seemed heavy, relative to its size.

It was dark as they walked toward Judd’s museum complex. Sam followed his father’s lead, inching along outside glass walls enclosing Judd’s creations.

“I love you, Dad,” he whispered.

“I love you, too, Son.”

Sam could feel increasing vibration from the glass as a hum seemed to emanate from Judd’s metal boxes. Shapes like the Marfa lights appeared overhead, pausing low over Sam and his father, who evinced no surprise. His father seemed to communicate noiselessly with two figures of light emerging from a larger entity. Suddenly beams shifted directly on Sam. “This is my boy, Sam. He’s taking over for me. You can trust Sam. I told Sam he can trust you.”

“We are planning a bang-up Saturday night,” the light shapes told Sam silently, in a kind of mental dialogue. Then they shot way up in the sky.

Sam and his father walked wordlessly to the house. His father’s skin looked grey in the lamplight. He reached out, affectionately, taking Sam’s hand in his as he did in Sam’s childhood when they crossed a dangerous street.

“Our clients require plutonium to maintain their culture. Plutonium is irradiated neptunium derived from uranium, which they’ve extracted from here for centuries. Transporting it through a space-time portal.

“They became concerned that in modern times, ranchers might begin noticing the missing uranium even though our clients can

remove it almost imperceptibly. So the clients wanted to buy the land for more privacy. They needed an intermediary. They chose Judd the 1946 evening he got off the military bus and his curiosity impelled a night walk in the desert. As an eccentric artist-engineer who welcomed the unusual, Judd was ideal. He needed me to facilitate purchasing the vast acreage. Later they needed Judd’s boxes to strengthen their electromagnetic field as the uranium supply required more effort to extract. Our clients made it worth our while. Then Judd died. I took over. Now it’s your turn.”

“Is this connected to the Marfa lights?”

His father smiled ever so slightly.

“Gravity affects the way light bends passing through space and time. Our clients provided Judd plans for building the boxes from anisotropic material, which bends light in a way called negative refraction. So we see objects in a different part of the sky than where they actually are. The lights originate galaxies from

Marfa, Son. Our clients created the lights to distract humans from their uranium mining. Before Judd obliged, they had to bring refractors with them.”

“They’ve exhausted our uranium, haven’t they, Dad?”

“Yes.”

“Plutonium is volatile. What did they mean promising a bang-up tomorrow night?”

“Couldn’t say. Saturday night is the festival’s major hoot-n-holler climax. Might also be our clients’ last ride around our corral. There’s another file to read over there.”

When Sam went to wake his father Saturday morning, he was dead. Although his father said he had made arrangements, the funeral home had no record of any.

Early Saturday evening, Sam picked up the file his father nodded toward the night before. It contained two sheets of paper detailing 1.05 of the Texas Disciplinary Rules and Texas Rule of Evidence 503 about keeping client confidences. Both were highlighted blue.

Was tonight’s bang-up that his worldly clients telegraphed bang-up-good or bang-up-bad? As a lawyer, did he have an obligation to tip authorities about an ambiguous future plan? Should he warn tourists streaming in tonight? Confidentiality applies to past crimes, but not future intent. But I don’t know if my clients intend to commit a crime tonight, Sam thought. What about my client’s mining activities? They didn’t steal the uranium. Is surreptitiously mining uranium to convert to plutonium a crime? If yes, is that the type of crime that overcomes attorney-client confidentiality? No problem outing Judd, because death extinguishes libel actions. But death does not usually extinguish confidentiality. However, Judd was never my client.

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2011 Short Story Fiction Writing Contest

Sam fantasized phoning the Texas Bar Ethics Hotline.

“I’d like guidance about revealing client confidences.”

“Who are your clients?”

“Well, they are aliens.”

“Oh, you practice immigration law, then?”

“No. Not exactly — ”

“Well, long story short is the secrets of a client are inviolate.”

Usually the lights could not be seen from Marfa. But tonight they were visible from the porch, exploding in the most hyper display Sam ever remembered. Relieved that nothing adverse seemed to have happened, Sam collapsed into bed, awakened by the phone Sunday about 7 a.m.

“Sam, this is Leander at the funeral home. Your Dad’s body is gone.”

After consoling Leander, who worried that residents would stop bringing loved ones to him if they thought bodies might disappear, it was too late Sunday to drive three hours to the Midland airport. He’d leave Monday morning.

“You hear what happened in Marfa last night?” the friendly attendant asked when Sam got gas Sunday night. “Them New Yorkers got all them aluminum boxes from that artist guy there. Well, them 100 boxes is gone! Yessir! Discovered this morning. Can’t figure how they moved ’em, or why anyone

would even want ’em. TV trucks is headin’ to Marfa now. I tell you what, I think it was some of them strangers in town for the festival.”

A familiar childhood longing enveloped Sam as he continued to the viewing platform where he pondered the sky, empty except for cascades of stars.

Life’s wheel had spun full circle, spewing answers for all mysteries of his childhood night riding. Sam now understood that although the lights would never return to Marfa, they were not really gone, nor was his father. They still danced in a galaxy far away. He felt the small stone in his pocket, deciding to keep it as Judd and his father probably had.

As Sam left, he noticed how the 7,825-foot mountain range backdropped where the lights once enticed. Chisos. Even the eternal landmarks were named for ghosts.



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