

This Was Not the Plan

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For Jonathan

Mira's Birthday

Exactly four years ago today, Mira and I were sprinting through Times Square in hot pursuit of the Naked Cowboy. It was a Wednesday in June; I was supposed to be in a client meeting. Instead, I was participating in a citywide scavenger hunt that had taken me to four boroughs in just under five hours. There were six teams of two, and my wife and I were in the lead. The only thing that stood between us and victory was a man who wandered around the city wearing only a cowboy hat, a pair of tighty-whities, and a guitar.

When I asked Mira what she wanted to do on her birthday, “scavenger hunt” was not the answer I was expecting. But then, nothing about my wife was ever expected. She delighted in surprises, in spontaneity, in throwing caution to the wind. She was endlessly curious. Her insatiable appetite for the world was so infectious that it could inspire a square peg like me to play hooky on a Wednesday *just because*. Because why the hell not, Charlie? Carpe diem, Charlie. You only live once, Charlie! Mira, you see, she got me. She knew me better than I knew myself. Case in point: on that particular Wednesday, she knew that, instead of reviewing tax returns in a windowless conference room, the best

thing for me to be doing was to chase a naked man down Eighth Avenue in the middle of rush hour traffic. And so we did. And so we won.

Mira knew how to make me live.

She would have been thirty-two today.

Her birthday is my least favorite day of the year, I've decided, though Halloween definitely gives it a run for its money. Mira loved Halloween. She used to find the most absurd costumes for us, the more embarrassing the better. Two months after we started going out, she made me go to a party dressed as an Almond Joy. She was a Mounds. On the back of my wrapper it read: I HAVE NUTS. On the back of hers: I DON'T.

The things you do for love.

You'd think I'd actually hate March thirteenth the most, but I don't, not really. That's the day that Chip McCleary, a pilot with an unfortunate tendency to drink on the job, accidentally flew my wife's plane into the Atlantic Ocean. There were no survivors.

With 270 casualties, the crash of Flight 1173 just missed making the list of top ten deadliest aviation disasters in history. It tied with the Lockerbie bombing at number eleven, a statistic that reporters cited with a tinge of disappointment, as though they were just one casualty shy of a truly spectacular story. Still, they loved to talk about it. For weeks, Flight 1173 was the only thing on every channel every hour of every day. There were pictures of the wreckage and of Chip and the flight crew and the passengers and of us, the passengers' families, and, when those were exhausted, pictures of the wreckage and pilot and the crew and the passengers

and the passengers' families of other aviation disasters (Lockerbie was a favorite). There were interviews with everyone from the air traffic controller on duty that day to conspiracy theorists who were convinced that Chip had ties to Al Qaeda to senators with strong opinions on post-9/11 aviation security. Chip's estranged wife, a former flight attendant named Jazz with frosted hair and a megawatt smile, loved being on air so much that she managed to parlay her two minutes of fame into a gig as a local weather girl. The story was dissected for so long and from so many angles that, by summer, all that was left was an occasional spot featuring a fourth cousin of some other pilot who suffered from alcoholism. I didn't watch much of it. None of it resonated. Drunk pilots and senators had nothing to do with me or with Mira or the life we shared together. The crash of Flight 1173 was a public tragedy. The loss of Mira was a private one.

This past March thirteenth marked the second anniversary of the crash. As with the first anniversary, photos of the wreckage were suddenly on every channel. CNN ran the names of the victims on a ticker tape at the bottom of the screen, like stock symbols or breaking celebrity news on E!. I got phone calls from friends and old colleagues and distant cousins, and a whole pile of mail from a group that called themselves the Families of 1173, informing me of a class action lawsuit against the airline and inviting me to a candlelight vigil at JFK Airport. My buddy Moose showed up at my apartment unannounced, armed with a lifetime supply of booze and a half-eaten box of Junior Mints. I appreciated all of it—the booze especially—but in truth I felt surprisingly numb all day. It was just a gray Tuesday in March, more melancholy, perhaps, than the Tuesday before it, but not markedly so. Not nearly as bleak as Mira's birthday.



An urgent e-mail from Fred, my boss, pops up in my in-box.

How's it going? it says.

Okay, I guess. Tougher than I would have thought. Thank you for asking, I type, before realizing he's referring to the Harrison Brothers' memorandum I'm supposed to be reviewing, not Mira's birthday. I delete my e-mail.

Good, almost done, I reply. *Will send ASAP.*

Great. Tx. Need by close of business today.

Understood.

Sighing, I flip to the end of the memorandum. One hundred and fifty pages down, fourteen to go. I'm one paragraph in when I hear a rap on my office door.

I spin my chair around. In the doorway stands Todd Ellison, my least favorite person at Hardwick, Mays & Kellerman. As usual, Todd has missed the memo that he is not, in fact, a partner, and is wearing a custom-made suit, an Hermès tie, and a pair of shoes that likely cost more than my first car. Todd's father, Todd Ellison Sr., runs a giant hedge fund, TCE Capital Partners, which happens to be our firm's biggest client. Last year TCE was responsible for forty percent of our corporate business. Suffice it to say, the partners handle Todd Jr. with kid gloves. In the ten years he's been at the firm, I'm not sure he's ever actually practiced any law. While the rest of us are billing ninety-hour weeks, Todd is given cushy assignments, like organizing our firm's holiday party and acting as head camp counselor for the summer associates.

"Hey, Todd." I give him a curt nod and look back at my computer screen, hoping he'll buzz off and bother someone else.

“Hey, Charlie,” he says, missing my cue. When he saunters through my door, I notice a gaggle of nerdy-looking kids behind him. “Just taking the newbies for a tour. Thought maybe you could tell these guys a little bit about your practice.”

The summer associates cram into my office and glance around, taking in the panoramic view of Central Park, the sleek Barcelona chairs, the wall bearing my diplomas, the shelves of client binders with the names of nearly every major bank and hedge fund on the Street. They look suitably impressed.

“Well,” I say, scratching my head, “I joined the firm almost ten years ago, same class as Todd. I’m a senior associate in the Litigation group. I work primarily with Fred Kellerman, whom you may have met during recruiting. Fred runs Litigation here at Hardwick. He’s also the Kellerman in Hardwick, Mays & Kellerman.”

Eager nodding from the summer associates. They know Fred. Fred’s a legend. They teach classes about Fred in law school. He’s probably the reason that half of these kids wanted to work at Hardwick in the first place. Fred’s the reason I wanted to work at Hardwick in the first place, and he’s the reason I stay working at Hardwick, despite the hellacious hours, unending stress, and morally bankrupt clients.

Long before I arrived at Hardwick, I considered Fred a role model. As an economics major at SUNY Albany, I made a point to read the *Wall Street Journal* every day, taking note of all the banks and hedge funds and law firms that regularly appeared in its pages. One morning I came across a short but exuberant profile of Fred, who had just recently built a library at his alma mater, SUNY Purchase. In the article he said: “Any time I see a strong résumé from a SUNY graduate pass my desk, I take notice. A lot of law firms, my own included, hire almost exclusively from the

Ivy League. I want to change that. Pedigrees don't mean crap to me. I value three things: hard work, integrity, and loyalty. Those aren't just the characteristics that make for a successful lawyer; they make for a successful person." *Now here, I thought, is my kind of guy. The kind of guy I want to work for. The kind of guy I want to become.*

When I showed up at Hardwick, Fred took a shine to me right away. He singled me out from a class of newly minted associates and made a point of mentoring me. It was a relief; most of the other partners turned their noses up at my cheap suits, the way I occasionally still dragged out the "aw" in "coffee." Not Fred. Like me, Fred was raised by a single mom in a small blue-collar town on Long Island. Like me, he had a chip on his shoulder because of it. Unlike me, however, Fred wore his background like a badge of honor. *Embrace the chip, Charlie, he told me once. Love the chip. It's your edge. The chip is what keeps you hungry.*

In the past decade, Fred and I have amassed scores of victories and only one notable defeat. We're a good team, arguably one of the best in town. I'm willing to put up with his famously short temper and penchant for middle-of-the-night phone calls so long as he takes the time to counsel me and champion my career internally. It hasn't always been easy. Sometimes working for Fred feels like trying to run a marathon in the middle of a hurricane. But in just a few months' time senior management will decide who makes partner and who does not. Knowing I have Fred in my corner gets me through my toughest days at Hardwick.

"Why don't you tell them what's exciting about today?"

It takes me a second to realize that Todd, too, is talking about Harrison Brothers, not Mira's birthday.

No one here gives a shit about Mira's birthday, I remind myself. Now, the Harrison Brothers dismissal, that's big news.

"Why don't you tell them about the Harrison case?" Todd prompts.

"Right, yeah. Okay. So today a court dismissed a class-action lawsuit against our client, Harrison Brothers. Harrison Brothers, as you probably know, was accused of predatory lending practices during the subprime mortgage crisis in 2008."

More eager nodding.

"And how long have you been working on that case, Charlie?" Todd persists. It occurs to me that Todd has been told to entertain the summons for an hour or so and, having no real work experience himself, he has no idea what to talk about.

"Well, Todd, I've been working on this case for four years. I've billed 1,900 hours this year already, ninety percent of which is to this case. I've been in the office for the past seventy-two hours. It's possible that my son has forgotten what I look like. This is a fairly common occupational hazard for lawyers."

Nervous laughter from the crowd. I make eye contact with Todd, who's shooting me an aggressive "shut the fuck up" stare.

"But the point is," I conclude quickly, "it's all been worthwhile. The suit was dismissed. Our clients are thrilled. There are very few firms where you can work on cases this complex and this important. Hardwick represents the biggest banks and hedge funds in the world. And there are very few firms where you get to work side by side with lawyers like Fred Kellerman."

A couple of the guys in the front row practically have to wipe tears from their eyes. I've hooked them, I know. They all come to Hardwick, Mays & Kellerman with big dreams, the same dreams I had when I graduated from law school. I recognize the far-off look on their faces. Right this second, they're envisioning them-

selves offering counsel to Fortune 500 CEOs. They're imagining what it feels like to stride into a courthouse with a client who will be on the cover of tomorrow's *Wall Street Journal*. They're picturing themselves sitting at my desk, in my chair, just six months away from making partner at the most prestigious law firm in New York.

What they do not yet know is that this summer we will wine them and dine them. We will allow them to rub shoulders with the likes of Steve Mays and Welles Peabody and Fred Kellerman, who will pretend to take an interest in them and may even invite them to lunch to discuss these big dreams of theirs. We will staff them on only the most exciting cases while expecting them to do no real work and add no real value. We will take them to baseball games and Broadway plays, and at the end of the summer we will all get drunk together on a cruise around New York Harbor. They will gratefully, hungrily accept our offer of full-time employment at Hardwick, Mays & Kellerman. And then, when they return one year later as full-fledged members of the Bar, we will promptly crush their souls.

"Well, hey, thanks, Charlie," Todd says. "Anyone have any questions for Charlie?"

A few of the kids throw up their hands, like fourth graders dying to be called on.

"Uh, yeah, sure—you there," I say, pointing to one. "What's your name?"

"My name is Candice Cho. You said you've been here for nearly ten years. So when will you be up for partner?"

"Hi, Candice. I know at some firms, partner track is eight years long. Here at Hardwick, it's more like ten. I'll keep you posted. I'm up for it this year." I hold up crossed fingers.

A shy-looking guy at the back raises his hand. He bears such

a striking resemblance to Rob, my childhood best friend, that it throws me for a moment. It's not just his face, it's how he carries himself that feels familiar. The way he stuffs his hands casually in his pockets, the awkward knotting of his tie, and his shoes, which are too beaten-up and casual to be worn with a suit. He looks at me with a cool, even stare. I realize I've got twenty eyes on me, waiting.

"Ah, sure, you there," I say, pointing to him. He pushes his hair out of his eyes before he speaks.

"Does it, like, ever bother you?"

The group turns to gawk at him.

I let out an awkward chuckle. "Sorry, I didn't get your name."

"Sam."

"Does what bother me, Sam?"

He's staring at me with eyes so blue they're practically translucent. He can see through my bullshit already, and I haven't even begun to answer his question.

"Does it ever bother you to represent people who you know are guilty? Harrison Brothers ruined millions of lives. They destroyed our economy. And yet their CEO got paid \$25 million last year, and now they've gotten off from this class action suit scot-free. So I'm just wondering how you sleep at night."

Amazed guffaws go up from the crowd. They stare at me, agog, wondering how I will respond to such blasphemy.

Over the years I've gotten pretty good at pat responses to this kind of question. One has to when one is in my line of work. I usually fall back on that old law school rhetoric about everyone deserving a good defense and the obligation of every attorney to zealously advocate for their client no matter what, that sort of thing. It's all crap, of course, but once I throw in a couple of self-deprecating jokes, folks start to laugh and then they start to nod, and

soon we can all move on to a different, more engaging topic than how it is that I can sleep at night, given that I'm Satan's attorney.

This kid, however, is one cool customer.

"Well, that's definitely one perspective. But I think we can all agree that it's a little more complicated than that," I say lamely. "And Harrison Brothers did agree to pay \$300 million to the SEC, so they haven't exactly gotten off scot-free."

"Three hundred million dollars is less than they make in a day."

"That—I'm not sure that's accurate. In any case, it's the number the SEC agreed to."

Todd clears his throat loudly. "So does anyone else have a question for Charlie?" he says, trying to get the conversation back on the rails. Sam opens his mouth as though he has more to say, but stops himself.

Two more hands shoot up in the crowd, but my phone rings, my own home number blinking on its screen.

"Sorry," I say, "I have to take this call. Important client. But listen, feel free to stop by my office anytime. Welcome to the firm!"

As the associates begin to file out of my office, I throw on my headset.

"Could you hold for one second?" I say in my serious business voice. "Just wrapping up a meeting here."

"Uh, sure, Mr. Goldwyn. I can hold," my twin sister, Zadie, replies in her best imitation of my serious business voice.

I wave at Todd.

"Thanks, SUNY," he says loudly. "See ya later."

"Just close the door on your way out, Todd."

"Did that guy just call you 'SUNY'? As in 'State University of New York'?" Zadie asks, disgusted. Zadie, who has never managed to hold down a job for more than six months, is incapable of masking her contempt for mine. She thinks I'm some kind of

corporate sellout, which, of course, is true. For the first year or so after I graduated from law school, she'd carp at me constantly for not taking a job at the DA's office or the public defender's office or Amnesty International—somewhere, anywhere, I might be able to contribute to society. By now she's more or less accepted the fact that I'm at Hardwick to stay, but still can't resist taking the occasional jab at my colleagues. To be fair, Todd is low-hanging fruit.

"Yup. I'm not sure Todd's actually ever met anyone from a state school before. I'm quite the novelty around here. It's like being Amish. Or an albino."

"Wow. What an asshole. He must have gone to Harvard." I can hear her rolling her eyes through the phone.

"Princeton, actually. Harvard Law School."

"He's not a partner, is he?"

"Nope. But he's up for it, just like me. In fact, it's possible he'll get it over me. His dad is a big hedge fund honcho."

"Ugh. I know I say this basically every day, but I really don't understand how you can work at that place."

"Well, I try to stay humble, Zadie, but white-collar defense really is God's work."

"I'm going to pretend you didn't just say that. So, speaking of, did the case—"

"Yes!" I say. "Dismissed! It's finally over."

"Fantastic! Does that mean you're coming home soon, then? I put a name tag on Caleb, just in case."

"*Har har*. Yeah, just finishing up one document and I'm out of here."

"Okay, terrific. Will you be home for dinner?"

"Yeah, I should be," I say, checking my watch. "How's Caleb been today? Has he asked about . . . you know?" "You know" is our shorthand for "Mira."

“No. He seems all right. I don’t think he knows it’s her birthday.”

“Okay, good. Still, I want to have dinner with him tonight.”

“I think that would be nice. Listen, Charlie . . .” Zadie trails off, hesitant.

“What’s up?”

“Buck wants to come into the city tonight and take me out to dinner. We won’t go out until after you’re home, of course. No rush. That cool with you?”

I sigh internally. Buck is my sister’s latest loser boyfriend. Usually they don’t last long enough for me to worry, but Buck has stuck around for the better part of a year. Buck’s not a bad guy, really. In fact, I’d potentially sort of like him if he weren’t dating my sister. I’d just prefer to see her with a guy who’s employed for once. Buck says he’s in landscaping, which I’m pretty sure is a euphemism for growing and distributing massive quantities of weed.

Admittedly, Buck is an improvement over Casey, the previous loser boyfriend. At thirty-five, Casey was still living with his parents and working part-time at Uncle Funky’s Boards, a skate shop on Charles Street. Zadie liked to describe Casey as “passionate,” which Mira and I quickly realized meant erratic and prone to uncontrolled bouts of rage. One night Zadie turned up in our lobby with a split lip and a half-baked story about slipping on wet kitchen tile. By then Casey had taken up semipermanent residence in her tiny Brooklyn apartment, and she was afraid to return. I suggested killing him; Mira suggested that Zadie move in with us for as long as she needed. As usual, Mira prevailed.

A month later Mira was dead and Zadie was still living in the spare room behind our kitchen. We never discussed her staying; she just stayed. We never discussed her quitting her job so that she could watch Caleb while I was at work; she just did. At the time, Zadie

was just about as lost as I was. She still hadn't recovered from our mother's death a year before. She had spent months as Mom's caretaker. She lived in Mom's house; she prepared her meals and gave her sponge baths and took her for walks around the block. She'd even enrolled in a caregiving class at the local college. After Mom passed, Zadie moved to Brooklyn and took a job as an in-home health aide for an elderly woman named Mrs. Zimmerman, but her heart wasn't really in it. Mrs. Zimmerman rarely spoke, she said, just watched television all day and asked Zadie to feed her cat. Zadie wanted to do more than change litter boxes and television channels. She was looking for someone to care for, someone else to love. And then there we were, Caleb and I, needing care and love more than ever.

It's been twenty-eight months. I think we both know this arrangement will at some point come to an end. Zadie will want to move on with her life. In theory, I want that for her, too. But frankly I can't imagine getting through a day without her. And Caleb—well, right now Caleb can't handle any more changes. His world's been rocked enough.

"Of course. No worries. You guys go have fun."

"You're sure? I know this isn't the easiest day for you."

"I'm fine, I promise."

"One last thing." Zadie clears her throat, something she does right before she tells me something I don't want to hear. "Dad called," she says. "Just to check in on you."

"Ah."

"I'm not suggesting you call him back. I just thought you'd want to know."

"Thank you," I say, trying not to sound stiff.

"Anyway," she says, speeding past the awkward tension that always arises whenever she mentions our father, "I'm making roast chicken tonight. Caleb's favorite. Sound good?"

“Sounds great.”

In the background I hear a loud crash, followed by Norman’s plaintive howl. “Oh, fuck! Caleb’s playing dress-up with the dog again. Gotta run. See you soon.”

“I’ll be home by six,” I say, but Zadie’s already hung up. “Home by six.” It’s been a really long time since I’ve uttered those three little words. They feel good, I think. They feel right. I’ve really got to say them more often.

I rush through the Harrison Brothers memorandum, giving it less of a close read than it probably deserves. After correcting a few typos, I fire off a quick one-liner to Fred with the memorandum attached. Given that it’s 164 pages long, I figure I’ve bought myself enough time for a leisurely dinner at least. With any luck, Fred won’t get back to me until tomorrow.

My office door closes behind me with a satisfying thunk.

“Heading home, Charlie?” My assistant, Lorraine, looks up from her cubicle. She looks hopeful, if vaguely perplexed, by the sight of me leaving while it’s still light out.

“You bet, Lorraine. Case closed. Going home to see the kid.”

She flashes me a thumbs-up. “Nice!” she says. “You deserve it. What’s it been this time? Three straight days in the office?”

“Uh, seventy-five hours. Not that anyone’s counting.”

She wrinkles her nose. “You lawyers sure know how to live.”

“Livin’ the dream, Lorraine. Livin’ the dream.”

The elevator door pings open.

“Go,” she urges. “Go now before someone catches you.”

“Thanks. If anyone calls—”

She waves me off. “If anyone calls, I’m telling them you’re in a very important meeting with a very important client.”

• • •

I'm about to step into the elevator when I feel a stiff hand on my shoulder. I spin around and find myself face-to-face with Welles Peabody, the head of the firm's Mergers and Acquisitions department. Welles is an old-school lawyer, the type who wears bow ties and seersucker suits without irony. He staffs his deals only with Ivy Leaguers who, like him, play a mean game of squash and mix a killer martini. Being that I'm just a lowly public university grad, Welles has almost never given me the time of day. I'm sure he squawked a little when Fred decided to hire me. Lately, though, Welles seems to be warming up to me. I get the occasional nod from him in the hallway, and just last month he stopped to congratulate me on the acquittal of Marcel Albin, the CEO of a multibillion-dollar hedge fund who had been accused of insider trading. Given that Welles chairs the partnership committee, he is at the top of my list of people I really need to start sucking up to.

"Hello, Charlie," he says with a stern nod. "Heading somewhere?"

I feel my heart sink into my stomach. "Uh, well, sir, I was, you know, heading home." I always get strangely tongue-tied around Welles.

Welles frowns. "Home? So early?" He checks his watch, just to be sure he's understanding the situation correctly.

"Yes, well, I've actually been here for seventy-five hours, and I haven't exactly slept or showered, so I was thinking—"

Welles begins to nod, like *Yes, yes, now I see*. "Oh, Charlie," he says. "You really don't need to worry about changing for the cocktail party. I know the Lowell Club usually requires a tie, but everyone knows you've been slaving away on the Harrison Brothers suit, so we're willing to cut you a little slack. And listen, if anyone

at the door gives you a hard time, well, just tell them you know the club president.” He throws me a little jab to the ribs with his elbow.

“Cocktail party?” I say weakly. I watch as the elevator doors slide closed in front of me. Suddenly it all comes flooding back. I’ve gotten at least six reminder e-mails about tonight’s all-firm summer associate welcome party at the Lowell Club. It’s the kind of event that no one, under any circumstance, is allowed to miss. Every partner is there, and every potential partner is definitely there, hoping for a chance to schmooze with the higher-ups. Last year, my friend Moose actually drove from Boston just to attend the party for an hour.

“Yes,” Welles says, looking impatient, “the summer associate welcome party. You didn’t forget, did you?”

“No, sir, of course not. I’ve been looking forward to it. I just didn’t realize it was getting so late. I was hoping to, as you said, dash home and freshen up a bit.”

Welles claps me on the back with an iron hand. “Nonsense, Charlie. Come as you are. In fact, if you’re headed that way now, I’ll walk with you. It will give us a chance to catch up.”

I pause and look Welles directly in the eye. There is, I realize, no way to get out of this without lying my ass off.

“Terrific, sir,” I hear myself say. “I’d like really that.”

“You know, Charlie, everyone’s impressed by the effort you’ve put in on this Harrison case. But, son, I’ve been at this business for a very long time and I’m going to let you in on a little secret.” He gestures for me to come closer. “There are things in life that are more important than work. Sometimes, Charlie, you need to socialize. You need to relax, let your hair down a bit. You understand what I’m saying?”

“I think so, sir,” I say, and suppress a sigh.

“Tonight, for example. I know there are probably e-mails you want to return, phone calls you have to make, documents you want to review. And I get that, son, really, I do. But tonight, it’s more important for you to come to the club and share a few ‘brewskis’”—here, Welles actually employs air quotations—“with the folks on the partnership committee. Let us get to know you. You deserve it, Charlie. Consider it a much-needed break.”

The elevator doors ping open again, and Welles ushers me inside. As he drones on about the importance of socialization, I close my eyes and silently apologize to Caleb, my hilarious, eccentric, motherless five-year-old, who is, once again, about to be stood up for dinner.