

Garbage Law

By Anthony A. Targan

Being a cleaning lady was a thankless job, but cleaning was her life. Zora had always picked up after others, cleaned up their messes, and emptied their trash. As a young woman, she had kept house for her two boys and their father before he walked out, leaving her to pick up the pieces. Now his memory was a faded stain, but it still reminded her that she had to be self-reliant. Zora displayed a tough exterior, hardened by many Michigan winters, but once you got to know her, you were always “dear” or “honey.”

She had no formal education, but she read books voraciously and she could also read people. She often said, “The most important things in life they don’t teach you in school.” But she also knew that education was the way out of Detroit for her boys, so she insisted they finish high school at Cass Tech. The boys were men now, all grown up and moved away, busy with their own lives. Zora had secretly wished for a daughter because girls return home. Her sons rarely did and she missed them badly. Now she lived alone in Hamtramck and worked cleaning Detroit law firms where at least she made a decent wage. It was just enough to get by, but never enough to retire.

Cleaning law firms was a tricky business. While not physically demanding work, there was little job security. The lawyers—constantly worried about confidentiality—wanted to prevent Zora’s employer from cleaning any other law firm. The cleaning company tried to assuage these concerns by assigning the same cleaning people to the same offices. If this “Chinese Wall” arrangement went well, Zora might spend several months in the same building. But lawyers were suspicious by nature and skeptical by training. Invariably, some desk ornament, prized pen, or loose change would end up missing and the staff would be blamed and reassigned or fired without warning.

Karen was a young associate at Dillington, Hoffner and Rye and a rising star at the firm. She worked hard because she believed in hard work more than natural talent. She was thin and pretty, but skeptical if anyone complimented her appearance. She was cheerful, but her mood could change like a kaleidoscope if she perceived injustice. Her credentials—summa cum laude at the University of Illinois and law review at Northwestern—made her the envy of her peers. She had few close friends in town, having recently moved to Detroit from Chicago against her parents' wishes.

Her father, a named partner in a prestigious Chicago law firm, cast a huge shadow. Karen was fiercely independent and wanted to prove herself without Daddy's help. The Dillington firm outbid several others for her services, paying top dollar to entice her to Detroit. Once she took the bait, the firm's partners were anxious to get their money's worth. They maneuvered to monopolize her time, and she had a bad habit of never saying she was too busy. As a result, Karen worked through lunch and even dinner, her long hours often keeping her at her desk when Zora would come by to clean. For months, Zora would slip into Karen's office and, as deftly as a waitress refilling a water glass, she would empty Karen's trash without detection. Karen was usually too absorbed in her work to notice, but sometimes she would mutter an absent-minded "Thanks." Once when Karen was staring blankly into her computer screen with her chin propped in her hand, Zora had the audacity to ask, "Whatchya working on, honey?" Karen was so startled that she blurted out, "Nothing! I can't even think anymore!" Feeling she had overstepped her bounds, Zora backedpedaled out of the room, but Karen soothed her, saying, "I'm sorry. I didn't mean to snap at you."

After that awkward encounter, Zora gradually grew more comfortable talking to Karen and often stopped by after completing her work. Karen didn't know who she could trust at the firm, but felt a maternal bond with Zora, who seemed to know more about Karen's colleagues than she did.

"I hate to gossip," said Zora, "but I think Donna and Mitchell are going out."

Karen said, “That’s not true. You love to gossip! But seriously, how do you know about Donna and Mitchell? Isn’t dating a co-worker against firm policy?”

“I found Mitchell’s drafts of a love poem crumpled up in his trash. He is quite the Romeo, you know.”

“Zora! You go snooping around in people’s trash?”

“Not snooping. Dumping. My job’s to empty the trash and sometimes it just spills. Besides, once you throw something in the garbage, you can’t expect it to be private. That’s the law. You can look it up!”

Karen did research the law and technically Zora was right. In *California v Greenwood*, the United States Supreme Court ruled that people have no reasonable expectation of privacy in their garbage. Still, Karen felt a bit guilty when Zora shared the latest dirt on her colleagues. But the rumors from Zora’s grapevine were too tempting to resist.

Zora teased, “I think someone’s been a very bad boy.”

Karen’s jaw dropped. “Who?!”

“I’m not naming names, but you can probably guess if you saw a receipt for the honeymoon suite at the Grand Hotel.”

“Oh ... my ... God. Wasn’t Mr. D just there for that seminar with his paralegal, Colleen?”

“You said it, honey, not me.”

Karen was aghast, but also marveled at Zora’s resourcefulness. “I never saw that one coming. Zora, you should be a private investigator.”

Zora pondered this momentarily, and then reflected, “You can learn a lot about people by the things they throw away.”

As the Michigan winter reluctantly loosened its grip and gave way to spring, there was also a thaw in Karen’s relationship with her family. Her parents, who had vowed never to set foot in Detroit, suddenly announced plans for a spring visit. After some initial posturing over who was busier, Karen agreed to take a three-day weekend to spend some time with her folks. She negotiated a Blackberry truce with her father and both agreed to go “cold turkey” and leave all electronic devices at home. Karen was excited to show them that Detroit, while no Chicago, still had pockets of renewal and even its own local charm. She drove them around Indian Village, went for Coney dogs in Greektown, and her father even parted with some of his hard-earned cash at the casino.

The highlight was a Tiger game at Comerica Park. They all shared a love of baseball. Being lifelong Cubs fans had taught them perseverance; even perennial losses couldn’t quash their eternal optimism. The weekend would have been perfect except for The Inquisition, a ritual that Karen dreaded but knew to expect as they drove to the airport.

“Karen, darling,” her mother began, “Is there anyone special in your life these days?”

“You’re special, Mother,” said Karen coyly.

“You know what I mean, dear. Are there any men you’re interested in? Do you go out on dates?”

“Mother, nobody ‘dates’ anymore. Listen, if Prince Charming comes knocking on my door, you’ll be the first to know, but I’m way too busy at work for a *boyfriend*.” Karen spat out the word as if it were a baby’s pacifier.

“Karen,” her father intervened, “We just want you to be happy. We want you to experience all that life has to offer, including getting married and eventually having children.”

“So I won’t be a complete person until I’m barefoot and pregnant, is that it?!”

Her father, checking his temper, said, “You know that’s not what I’m saying! It’s just that we’re not getting any younger and we want you to come home soon.”

“I AM home!” Karen shouted.

They drove on to the airport in silence.

The next evening, Karen was working late when Zora arrived at her office and announced, “Dinner is served, my lady! One fully loaded Pizza Papalis meat lover’s pizza!”

“Zora! What are you doing? You know I can’t eat that,” Karen protested half-heartedly.

“And why not, may I ask?”

“There’s about a zillion calories in each slice.”

“Listen, dear,” said Zora seriously. “You need to eat. I see all those half-eaten sandwiches in your garbage. I worry about you.”

Karen answered, “I appreciate the sentiment, Zora, really I do. But what I eat is none of your concern. You’re not my mother.”

“True. But I am *a* mother, so it’s in my nature to worry. That’s what parents do. They love and nurture their children, who grow up and move away, leaving the parents alone with nothing but their worries. So call me an old fool, but I can’t help worrying about my babies, even if they don’t need me anymore.”

Karen tried to console Zora by reassuring her that her boys still needed and loved her even if they didn't often show it. "Just because people declare their independence doesn't mean they don't still love the mother country." And as she spoke these words, Karen realized that her own parents might just be motivated by something other than a desire to control her life.

One Friday morning, Karen slept in late, a rare luxury. She had been at work until 10 p.m. the previous night, so she didn't feel too badly about rolling into the office at 10 a.m. Of course, just as she was getting off the elevator, in walked Mr. D, the managing partner. Karen flashed a smile and offered a cheerful, "Good morning, sir." After making a show of looking at his watch, Mr. D scowled, "Oh, is it still morning? I've been here several hours already."

Karen felt his glare as she quickly walked past him into the office. She nodded at the receptionist and greeted some secretaries, but they seemed distracted and busily shuffled paper as she walked by. The office air was thick with trepidation. Something was up.

Karen cautiously stuck her head into the office of Tony, a senior associate. "Hey, Tony. What's going on around here? Did somebody die?"

"Where've you been, K? You missed all the drama. You know Mr. D's gavel?"

"The one he bangs loudly to call firm meetings to order? I swear that thing is his favorite toy."

"WAS," said Tony. "It disappeared last night. Mr. D was so worked up about it that he fired your little old lady friend this morning. I guess she was the last one seen near his office."

“I can’t believe it! Zora would never do such a thing! This is just wrong,” Karen said as she stormed back to her office. Closing her door, Karen phoned Zora at home and arranged to meet her for lunch.

Once they were seated for lunch, Karen asked, “So, how are you holding up?”

“As well as can be expected, I guess. I just don’t understand how they think I would steal something like that ... that ... little hammer! What use would I have for a little hammer?”

“Zora, I know you didn’t take it. I’m going to figure out who did and we’ll clear your name.”

“Honey, now don’t you go getting yourself into any trouble over me. I’ll be alright.”

After lunch, Karen insisted on paying and Zora gave her a big hug. Karen said, “Don’t worry, I have a plan. Lawyers always try to cover their butts by papering the file and I’m sure Mr. D left a trail.”

That night, Karen was working late ... or at least trying to. The office was quiet as attorneys waited for Mr. D to make his evening rounds, which he always did to keep tabs on them. Those who had the misfortune of leaving earlier than Mr. D were “slackers.” Those who needed to stay in Mr. D’s good graces—young associates and senior attorneys approaching the brass ring of partnership—waited expectantly.

As a regular “waiter,” Karen had calculated that it took Mr. D exactly three minutes to walk the perimeter and peek in every office on the floor. She could see his large corner office from her tiny quarters down the hall, and when Mr. D finally pushed back from his desk and started walking toward her, she noted it was 7:45 p.m. Mr. D grunted at Karen; as soon as he turned the corner she slipped quietly into his office. Working quickly, Karen stuck a small flash drive into the USB port on

Mr. D's computer, which she knew could time out at any moment, requiring a password to restart. She wasn't sure exactly what she was looking for but she had to think fast.

Suddenly, Zora's words echoed in her brain: "You can learn a lot about people by the things they throw away." Karen opened the trash icon on the computer, selected all deleted e-mail messages, and copied them onto the flash drive. Seconds seemed like hours as the download completed; checking her watch, she realized her time was up. Hearing Mr. D's footsteps, she pulled the flash drive out and barely had time to dive under his desk before he walked into the office. Karen held her breath as Mr. D shuffled just a few feet away on the other side of the desk. Finally, he shut off the lights and left. Karen waited a full five minutes before she dared to move.

Back in her apartment, Karen uploaded the copied e-mail files onto her computer. She focused on a message titled, "Security Breach—Confidential" that was addressed to the firm's five-member executive committee. The text was a rambling, profanity-laced tirade directed at both the cleaning company and "that thieving, good-for-nothing, old black cleaning lady, I think her name is Zelda or Zora." In no uncertain terms, Mr. D accused Zora of stealing his gavel, a memento of great sentimental value that had been bestowed upon him by Justice Archer. He was sure that Zora had stolen the gavel from the "guilty look on her face." She and her "bastard children" were probably planning to extort money from him for its safe return. He insisted on Zora's immediate termination and, while he did not need the committee's approval, he wanted them to be in the loop in case there was any backlash from the staff. He suggested his partners "delete all copies of this message." Karen printed a copy of the message as well as an e-mail from Mr. D's paralegal, Colleen—subject line: "You PIG!!!"—who apparently was no longer quite so enamored of Mr. D.

That weekend, Karen invited Zora to meet her at the law library. “Listen, Zora. I think you’ve got a strong case for defamation. I can’t represent you against my firm, but you can do this yourself if I point you in the right direction.”

“But I’m no lawyer. I don’t know about courts and judges.”

“Zora, this will never go to court, believe me. You just have to do some basic research and write a letter to the firm in your own words.”

“Well, I’ve got nothing but time since I got fired, so let’s get to work.”

Karen showed Zora how to research Michigan case law and statutes. The Michigan code supported the common-law principle that words asserting the commission of a crime or a lack of chastity constitute defamation per se and are actionable even absent proof of actual or special damages. Karen explained that Mr. D would argue that truth is an affirmative defense to a defamation claim.

Zora said, “But it’s not true. I didn’t steal anything! How can I prove that?”

Karen answered, “Leave that to me. I have an idea who took that gavel.”

While Zora researched her letter, Karen invited Colleen to meet for drinks after work. Although the women were barely acquainted, the prospect of free alcohol was enough to pique Colleen’s interest. After a few martinis, they started to talk about the men in their office, even rating them as “hot” or “not.” Karen sensed her opening and said, “You know, I think Mr. D is kind of cute, for an older man.”

Colleen blushed and then burned as her face turned from pink to chartreuse to crimson.

“Listen, can you keep a secret?” Colleen proceeded to tell Karen about her short-lived affair with Mr. D, which ended abruptly when Colleen found out that he was also seeing a secretary in the office. “I got so mad. I just wanted to hurt him. I took his gavel and thought about playing a little ‘Maxwell’s Silver Hammer’ on his fat head. But *instead* . . .”

Colleen surreptitiously reached into her purse and produced Mr. D’s gavel with the words “OINK! OINK!” burned into the mallet’s head. “I’m going to hang it from the chandelier in the conference room,” said Colleen with a devious smile.

Zora finished her letter to the firm. After summarizing the law, she described her hurt pride and damaged reputation with heartfelt conviction. While she made no specific monetary demands, she hoped that a mutually acceptable resolution could be reached amicably and discreetly. Copies of the letter were delivered to each member of the executive committee, including Mr. D. It did not take long for them to offer Zora a sizable settlement, which she accepted. Karen and Zora met for dinner soon thereafter.

“I’ve got to hand it to you, Zora. You really ‘cleaned up’ with your settlement. So what’s next for you?”

“Well, I’m sure as hell done picking up after that bunch. I’m hanging up my mop for good. I think I’ll go pay my boys a visit. And then, who knows? Maybe I’ll go to law school!” she laughed. Then Zora asked, “What about you, dear?”

Karen thought for awhile and then said, “I’m disillusioned with the firm. Besides, I’m needed back in Chicago. I really think this is going to be the Cubs’ year!”