

Digby, Attorney At Law

by Jim Fusilli,

Published: 2010



After seven years of night study, Francis Michael Digby was graduated from the Rutgers School of Law, Newark, and some time thereafter, admitted to the New Jersey Bar. His modest ambition already spent, he hung his shingle outside a storefront below the cold-water flat in which he was born in 1927, some thirty-five years ago, and settled into the agreeable life of a small-town lawyer.

With his family providing references, Digby became the attorney of choice among the Narrows Gate Irish who hadn't escaped when the piers and factories began to shutter. Often, he was asked to represent both parties to a grievance. Thus it was with the Rooneys.

„A cross I need not bear,” Mary Catherine Rooney summarized with a terse nod.

„Seeing as I'm pushed beyond the brink of dignity...” Leaky Rooney explained when he turned up at day's end, surprisingly sober and equally resolute.

Though Leaky and Mary Catherine seemed opposites—he gray, wiry, and devilish, she blonde, stout, and considerate—they were of a like mind on the issue at hand: Divorce was the only solution. Both parties instructed Digby to draw up papers.

Twice he nodded his compliance, pausing each time to wipe clean his wire bifocals. Eight years with Mary Catherine at St. Matty's Elementary told him she wouldn't budge while angry. Though drink could render him sentimental, Leaky, an emigre from Hell's Kitchen across the Hudson, had a notorious and unpredictable temper. When Artie Meehan backed his Buick into Mary Catherine's cart at the A P, Rooney took a baby sledgehammer to his collarbone. His arm and shoulder in a cast that made it appear he'd sprouted a plaster wing, Meehan came to Digby demanding redress. A civil suit would prove worthless, the attorney advised. What would you gain but his lasting enmity? Subsequently, Meehan moved down the shore, precise address unknown.

Now, their meeting at its end, Digby dropped his hands on his desk and hoisted out of his chair. „However regrettable, it is as you wish, Mr. Rooney,” he intoned, offering him a dark cloud of finality. Then, claiming a late meeting at City Hall, he headed to Franziska's, intent on a steak sandwich dripping with *buttery au jus* and a mound of crisp onion rings.

Over seconds on side orders of roasted mushrooms and red cabbage, Digby deliberated. In matters such as Rooney v. Rooney, neither party actually wanted to nullify the marriage—he couldn't cite precedent for divorce among the Narrows Gate Irish—and so a visit to his office was provocation, escalation and, ipso facto, part of the dance toward forgiveness. Digby understood his role was to bring them together, compelling dialogue. Inevitably, if only by the play of chance, a kindness would ensue and a spark would rise from the ashes. Then Digby would withdraw, returning to his role as public defender in minor criminal matters, filing Worker's Compensation claims against the mighty Jerusalem Steel, and cozying deeper into the silky embrace of his undemanding life.

As he took the Buchanan Avenue jitney down to the eight o'clock showing of Taras Bulba at the Avalon, Digby decided he'd talk first to Mary Catherine, hoping her indignation had wavered. She'd once been a hazel-eyed beauty, and he remembered how she'd cried in class the day Roosevelt died. He assumed that somewhere beneath her now-matronly bosom remained a kind heart. He was confident she'd see her Leaky was pitiable in the first degree.

Digby bought a box of Good 'n' Plenty at the concession stand, nestled under a heating duct in the balcony, and as the Coming Attractions began to blare, fell into a deep, satisfied sleep.

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While Digby dozed, Leaky Rooney was invited to leave the Shamrock. Throwing back another shot of Four Roses, he'd fallen off his stool and, arms windmilling, landed squarely on O'Boyle's dog, a fourteen year old named Rat Catcher.

Her yelping echoing in his ears, Rooney drifted into the quiet alley behind the bar. As he ruffled sawdust out of his hair, the silence was broken, and he spun in dread, fearing he'd just heard his late mother's cackle. Often, she'd told him he'd end up drunk and alone.

Groping his way to a stoop in the shadows, he brushed aside a broken bottle with his shoe and sat, dropping his head in his hands.

Then, as a glimpse of a desperate future took hold, he stood, hitching his drooping slacks. Mewling cats watched curiously as he wobbled over cobblestone, failing to avoid overstuffed garbage cans.

He knew she wouldn't take the safety chain off the first door so he came around back and started up the fire escape.

„Mary Catherine!” he bellowed when he reached the second floor. His hands were covered in rust.

Third floor and Rooney tried to pry open Emmy Ahern's kitchen window.

„Up one more, you idiot,” the widow Ahern instructed.

Mary Catherine sighed in resignation. „Go get your father,” she told Kevin and Robert, age eleven and ten, respectively.

„I thought you gave him the boot,” said Anna, the little one. „For good.”

Twelve-year-old Katie toed the yellowed linoleum, peeling it from the floorboards. „I'll wager you don't remember what it's about. The fight,” she said.

Mary Catherine shrugged sadly while kneading a dishtowel. „No, I suppose I don't.”

„He forgot your Lucky Strikes,” recalled Anna, who, though only seven years old, was an experienced busybody. „Remembered his L Ms, and a six pack of Piels, but he forgot your Lucky Strikes.”

Robert opened the kitchen window to begin his descent. „Mary Catherine! It's me. Your loving husband. Your breadwinner.”

Since the layoff at National Can, he'd been trying his hand at roofing, with little success. Hence, his new nickname.

„I forgive you!” he added. „As God is my witness, I forgive you!”

Katie headed to the icebox. „I'll reheat the stew, Ma,” she said.

Hours later, as they lay in bed, the children down and drowsing, Leaky Rooney said, „And to think I wasted my good and precious time with Digby.”

„Digby?” Mary Catherine turned toward him. „You saw Francis Michael Digby?”

„Indeed,” he replied, hands folded on his stomach.

„My Francis Michael Digby?”

„The same.”

She said, „I saw Digby.”

Rooney wriggled to sit. „That louse. Playing us against each other.”

Not so, she thought. He seemed quietly proper, as he was in grammar school. A good boy, a keen student, the nuns often said. Mary Catherine was proud her classmate had done well.

„You know,” Rooney said, „he was pushing those damned papers hard at me, then rushing to City Hall, him thinking who he is—”

„I suppose he was doing what we asked.”

„—pulling the wool, pressing on. Like I don't know the game.”

„Means nothing now,” Mary Catherine tried.

Rooney was building toward a full head of steam. „Attorneys. Cocks of the walk...”

„Come on,” she said as she dropped a hand amid the tufts of prickly hair on his shoulder. „What's the use of it?”

Moonlight peeked through the blinds. „You know what he wants?” Rooney said, „He wants you.”

„Oh my goodness.” She raised to her elbows. „That's ridiculous.”

„Ah. I'm ridiculous, am I?”

„I didn't say—”

Though still dizzy from drink, he spun and bent over to search for his shoes.

„Where are you going?” she asked.

„Like you'd care.”

„For heaven's sake—”

„Don't you be bringing the Almighty into this,” he snapped. „This is between me and you and your boyfriend Francis.”

„My boyfriend?” Mary Catherine was out of bed now too. Mounds of freckled skin wiggled before settling under her nightgown. „Have you lost your mind?”

He hurried to the corridor and reached down into the closet. Old paint cans and roller skates rattled.

„You'll wake the whole house.”

„To the devil with the whole house.”

She said, „Would you use the brain—”

There stood Leaky Rooney, his baby sledgehammer in his fist. „No one makes a fool of me,” he announced.

„Except you,” Mary Catherine muttered as he began his bumble down four flights of stairs.

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The following day, Rooney caught a day's work helping to tar the roof at Narrows Gate High School, other men walking away when it started to rain. So he postponed his search for Digby, who in his mind had grown devil's horns and a pig's snout, and was all set to slip an arm around Mary Catherine's waist, serenading her with oink-oinks, sweeping her off her feet with his silver-tongued attorney talk. Last night, Rooney sobered as he waited between the fins of cars parked nose-in outside Digby's office. Soon, midnight came, but Digby had not.

Walking his beat, Malatesta the cop saw Rooney once, twice, and the third time told him to go home, his family was waiting.

„That'll be the day I need advice from the likes of you.”

„How's that, Rooney?” Malatesta said, cupping his ear.

A man had to reclaim his wife. It was natural law, for which no degree was required.

Malatesta smacked his open palm with his nightstick. „Home, Leaky,” he repeated.

While Rooney melted and applied tar, his wife toiled diligently at the small, storefront Bell Telephone office on Sixth and Buchanan. The working life was still new to Mary Catherine, but she'd taken commercial courses in high school and knew how to do what she was told. Her boss was easygoing: Though Mrs. Leibowitz wore a bun that brought her head to a point, she allowed the day shift to correspond to school hours. At three o'clock, the mothers were succeeded by single women who called themselves the Night Owls.

Knowing this, Digby arranged to find himself walking the avenue as Mary Catherine headed home. What a coincidence, he'd say when they met, offering to share his umbrella. Then, lowering his voice, he'd add that he had the papers ready for her to sign. In the course of their stroll, he would refer calmly to the finality of her actions, how such a thing done couldn't be easily undone. As the wiser of the two, she was likely to express some reservation. Then why not sleep on it? Digby would propose. Then, several hours later, he'd drop in the Shamrock and who should he see but Leaky. Mr. Rooney, what a coincidence, he'd say, and buy him a round, whispering discreetly that he had papers in his office. Should we go now? he'd asked, knowing Leaky wouldn't leave the stool until he toppled off it. He'd propose—

Digby was shaken from his reverie by a small voice from behind.

„Hey Digby.” The little girl wore a St. Matty’s uniform, its white blouse dislodged from a checkered skirt. Polish failed to hide the wear on her saddle shoes.

„Hi there...”

„Anna. Anna Rooney.”

„Anna, yes.” Exhibit A as to why the Rooneys should remain united. A pinprick to tranquility’s balloon, the freckly kid needed guidance. „How are you?”

„Me, I’m always good.”

He looked at her. She was more Leaky than Mary Catherine, the glint of wicked mischief in the eyes, blunt chin high in defiance.

„Digby. My dad is looking for you.”

„Okay. I’ll be in my office—” Here Digby looked at his wristwatch. „—in about an hour.”

„No Digby, you don’t want to do that,” Anna told him. „My dad’s not too happy with you.”

„Now why would you say something like that? Your father—”

„You went to St. Matty’s with my mother, right?”

„Yes, but—”

„Was she pretty?”

„I suppose,” Digby replied. „Well, yes. Yes, she was. But why—”

„My father’s going to take his hammer to your head, Digby.” She was tapping her foot at the edge of a puddle, causing ripples in the murky water.

„Anna—”

„Don’t say I didn’t warn you.”

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Digby hurried home, aware a law degree was no match for a lunatic with his sledgehammer. He locked the door and went to the refrigerator to retrieve a cold drink, his throat parched from his rapid retreat up Rogers Point. But all he found was a jar of mayonnaise and a soggy carton of chow fun. Tap water sufficed.

Apparently, in the splish-splash of his alcohol-addled mind, Leaky Rooney had concluded Digby was engineering their divorce so he could step in on Mary Catherine. If Rooney had caved in Meehan’s shoulder for bumping her shopping cart...

Digby couldn’t remember the last time he faced violence. He was a peaceable man, as his thoughtful manner and plump frame suggested, and not at all quick on his feet.

Hmmm.

Digby loosened his tie, took out a yellow pad, and began to develop a strategy, standing now and then to pace. He sat, scribbled, paced. Stroked his chin. Yes, he thought finally, maybe so. He removed the pages and transcribed them, his handwriting neat, the flow of logic impeccable.

For safety’s sake, he decided to bypass dinner at a Buchanan Avenue restaurant. Warm buttered popcorn would have to do as Taras Bulba unfolded and until his nap began. There was an all-night diner by the Erie-Lackawanna Terminal that had a fine grilled ham steak, or maybe the Grotto would still be serving its famous zuppa di vongole when the late movie let out. Digby would make do until he could implement his plan.

As he slipped back into his coat, he looked around his apartment, his bachelor's nest. Shutting the lights, Digby said goodbye to solitude and headed into the chilly Narrows Gate evening.

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„And so what does he do, this Digby? This Michael Francis Digby? This attorney at law? He...”

Rooney paused to order another bullet, and Finnerty limped over with the Four Roses bottle, its spigot reflecting the Shamrock's dull lighting. The jukebox was silent, the pool table abandoned save for the cue ball and bridge.

As Finnerty lifted a dollar, Rooney raged on.

„Not as a man would. No. Not. Hiding behind the law. Digby, this... Digby. Trying to—And a working man at that. Me.” Rooney tapped his chest. „I'm earning and he's... O'Boyle, what's the word? He's... He's conspiring. That's it. Conspiring!”

Staring at the rows of bottles stretched before him, seventy-two-year-old O'Boyle nodded, though he was hardly listening. His beloved Rat Catcher slept on sawdust under her master's feet.

Rooney burped. He'd put a sizable dent in the money he'd earned today, the short stack of singles all but flat now. Immediately after leaving the job site, he'd marched through the rain to Digby's storefront office, which he found empty again, but with its lights aglow. Short of ideas on where to look next, he repaired to the bar, sledgehammer looped in his belt.

„Rooney, it's none of my business, but I got to say I know Digby since we was in kindergarten at St, Matty's and I never seen him steal so much as a piece of penny candy,” Finnerty said.

O'Boyle nodded.

„Ah. So I'm a liar, am I?”

Finnerty leaned his hands on the bar. „What I'm saying is maybe you're mistaken.”

„Mistaken,” Rooney grumbled.

„And Mary Catherine—”

„Mrs. Rooney to you,” he said, his eyelids bobbing.

„Mary Catherine wouldn't spit at you and say it's raining, Rooney. That I know.”

„I see as she's under his spell,” he replied. „The web he spins with the big words, his education...”

As he wiped his hands on his apron, Finnerty rolled his eyes.

„Digby's spell,” O'Boyle chuckled.

„That's enough from you,” Rooney said, jabbing O'Boyle's bony shoulder with a finger.

Rat Catcher stood, fixing Rooney in his sights, ready to bare her remaining teeth.

„Why don't you talk to him?” Finnerty said. „Digby don't lie.”

„I would but for his hiding. As for his lying—”

„Digby's not hiding,” O'Boyle said as he reached for the beer nuts. „He's at the movies.”

Finnerty grimaced.

„The movies...” Rooney said. Draining the last of his bourbon and the foamy Rheingold, he slid carefully off the stool, avoiding Rat Catcher, who sneered at him nonetheless. Bending to peer at the mirror behind the liquor bottles, he

matted down his hair, centered the shoulders of his work coat, and gathered up his change, leaving a dime for Finnerty. Without a word, he staggered toward the door, red neon reflecting in his pinwheeling eyes.

When Rooney left, Finnerty stared at O'Boyle. „Now why did you do that, putting Digby in his sights? You know full well Digby can't—”

O'Boyle slowly raised his fist, which held Rooney's baby sledgehammer.

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Finnerty called from the bar.

„All right, Thomas,” Mary Catherine groaned. „I thank you. Give my regards to Lucy, and to your mother too.”

Anna's sharp tongue and sinister logic made her unbearable to her siblings, so Mary Catherine had to drag her along. As they took their seats on the jitney, she turned to her daughter, who was pinned against the sidewall and rain-streaked window by her mother's heft.

„Anna, if you say one word out of turn, I swear I'll send you to Grandma before the night is through.”

„I don't mind Grandma McIlwaine,” Anna replied.

„I wasn't talking about Grandma McIlwaine.”

„Well, Grandma Rooney is dead.”

„Exactly so.” She stared ahead toward the driver.

Twelve blocks later, they hurried through the rain to under the sputtering lights of the Avalon's marquee, late for the sunset matinee and early for the eight o'clock show. They paid full price—one adult, one child—and took the faded red carpet on the sweeping staircase to the balcony where, as long-time Narrows Gate's residents knew, Francis Michael Digby napped. As furious Cossacks stormed into battle on screen, horses stampeding in rhythm to the glorious orchestral score, Mary Catherine ducked beneath the flickering projection. Hand above her brow, she located Digby nuzzled against a chipped wall, his chin cupped in his hand.

Dragging Anna behind her, she approached.

„Digby,” she whispered, in order not to disturb the other patrons sprinkled throughout the musty balcony. „Digby.”

The sound of gunfire ricocheted around the theater.

„Whack him,” Anna suggested.

A cannon exploded. But Digby continued to purr.

Mary Catherine hesitated, then jostled his shoulder. „Digby. Francis.” She sat in the seat next to his. „Francis, wake up...”

Suddenly, there was a ruckus down below. Patrons hissed, and then shouted over the picture as it blared. When Mary Catherine looked beyond the tarnished brass rail, she saw her husband climbing onto the stage, his shadow on the screen.

„Digby!” he wailed, as the battle raged behind him. „Digby, I'm here to kill you, I am. Where in God's name are you?”

„They're up here, Dad,” Anna screamed. She pointed an accusing finger at her mother and Digby, who now sat side by side.

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Leaky Rooney raced up the stairs, an usher giving chase.

Fists on her hips, Mary Catherine stood before Digby, who was rousing himself from the grip of a deep sleep. She glared at her husband.

„Mary Catherine...” Rooney warned as he skidded to a stop. „So help me God.”

Almost alert, Digby peered over her shoulder. As quickly as he could, he silently recounted the strategy he crafted in his apartment.

The balcony patrons gathered above the exit.

„Step aside, Mary Catherine,” Rooney said as he slowly padded toward them. „I have no taste for harming you. But that... That... That attorney,” he sputtered. „Death is too good for his likes, believe me.”

„Where’s your hammer, Dad?” Anna said.

Staring at Digby, Rooney patted his empty belt.

Peering over his former classmate’s shoulder, Digby saw his opening. „I love Mary Catherine,” he blurted. „Always have.”

Rooney recoiled. Sweet mother of Jesus, it isn’t only in my head, he thought.

Mary Catherine turned. „Digby...?”

„He’s right, Mary Catherine. Your husband is right. I’ve tried to free you for my own gain...”

„Holy moley,” Anna said.

Digby recited his speech from memory. „Mary Catherine, I remember like it was yesterday the tears in your eyes when Sister Dolores told us President Roosevelt had died. Your beautiful face as you led us in prayer. Your hazel eyes... From that moment on—”

„That’ll be enough of that, Digby,” Rooney barked. „Step over here so I can kill you proper.”

The exit was now filled with patrons from downstairs, the picture continuing without an audience.

Digby took Mary Catherine’s hands. „You deserve the best, my dear,” he said as sweetly as he could manage.

„That’s it!” Rooney announced, raising an empty fist. „Say your prayers, Digby!” Charging in, he pushed his wife directly into Digby’s embrace.

Stunned, Digby tried to retreat, but he was blocked by a row of seats.

Mary Catherine held tight as she brought her lips to his ear. „Thank you, Francis Michael Digby,” she whispered.

„Dad, look! She’s saying she loves him. She said it!”

Rooney clapped his daughter on the back of the head. But then he said, „Is it so, Mary Catherine?”

In the eternity it took to turn, Mary Catherine had a fleeting vision of what might’ve been. She blinked to shake from its satisfying grip, though not before remembering that, yes, she had been beautiful and once had dreams. „And what if it is?” she said.

Rooney quaked. He could not believe his life was at its end. Mary Catherine, who he loved from the moment he saw her in her cheerleader’s uniform-pleated skirt, dimpled knees, socks drooping over her saddle shoes. Her face shone like a thousand suns and, as God is my witness, it still does.

„I—” Speechless, Rooney dropped into a padded seat. His sow of a mother was right: He was ending up drunk and alone.

Digby gave Mary Catherine a gentle shove. „Go on...”

Sighing, she stepped forward and held out her hand.

„Come on,” she said to her hapless husband.

Rooney looked up. „Me?” he said in amazement.

„Yes. You.”

Rooney raised slowly, his head bowed in shame. Then he looked up and stared in his wife's eyes.

„I'm a dope," he said.

„Indeed," replied Mary Catherine.

„Congratulations, Rooney," Digby said cheerfully. „You're a lucky man."

Digby waved as the Rooneys, the usher, and the downstairs patrons retreated, leaving much of the balcony empty.

On the screen, the battle had ended. Smoke had begun to clear, the cannons now silent. The remaining horses grazed somewhere far off and unseen.

Digby returned to his seat, wriggling until he reclaimed his warm spot. Contented, he nestled in, ready to resume a life of simple pleasures.

Soon, he was fast asleep.

