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PROOF



A THRILLER

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PROOF

A Thriller

Jon Cowan



GALLERY BOOKS

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*For my parents, who filled our house with books.
For Lexie, Caitlin, and Spencer, who fill our house with life.
And for Jennifer, who fills my life.*

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“The law does not pretend to punish everything that is dishonest.
That would seriously interfere with business....”

—Clarence Darrow

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PROLOGUE

“We’re all guilty. Of *something*.”

Jake West fixes a knowing look on his face as he locks his eyes on the jury box. This is probably the key thing he’s learned in his decade and a half of trying cases. You need to remove the wall between the jury and the defendant. You need to make them feel they’re not standing above the accused in judgment. If they’re going to make the harsh decision to take away the freedom of another human being, they need to be forced to sit in the shoes of that person. They need to feel what it’s like to be judged. Who among us wants to be judged on what we’ve done? Not Jake, that’s for sure.

“Don’t get me wrong,” he continues. “I believe in the system. I believe *you* believe in the system. And I know people say lawyers are liars, and most of us are. But what I’ve just told you? It’s the truth. You know it. You *feel* it.”

He pauses to let the jury feel it. To let their minds wander to all the things each of *them* are guilty of. When he’s satisfied that he has ignited the flame of their guilt, he offers absolution.

“I’m not judging you,” Jake assures them. “I’m no different. Let me tell you my truth.”

Jake takes a longer pause here. It’s calculated, crafted to make them lean in. He milks the moment as he approaches the jury box. Twelve chairs walled off from everyone else by a light maple half wall. It’s a modern design, and Jake doesn’t like it. He prefers courtrooms cast in walnut or mahogany; he feels that gives the proceedings the gravity they deserve. The light wood is businesslike. Perfunctory. But he’s in performance mode, so it doesn’t matter. It’s up to him to bring the gravitas. And to do that, he must make it personal.

He stops at the edge of the box and fixes a stare on a singular juror. Camila Cortez. Like any good lawyer, Jake knows things about his jury. His audience. He knows Camila is first-generation American. He figures her parents came to have her born in the U.S. of A. Maybe they came legally, maybe not, but either way it speaks to reinvention. Leaving the past behind. She's a few years younger than he is, but there are stories in her face, probably stories about that past. Doesn't matter what the stories are—he can use that.

“Me—I've cheated on my wife, I drink too much, I work too much, I inhaled in college, and after that—” Jake stops himself, realizing he can't admit to a felony here in court. He sheepishly grins at Camila. “Well, I really don't want to jeopardize my career, so that's as far as I can go. But you—I bet *you* slept with someone you shouldn't have. Took something you shouldn't, smoked it, shot it, inhaled it.”

Sitting in the jury box, Camila Cortez can't help but feel the words are directed at her. Jake West isn't so much talking to her as looking into her soul. Lord knows she can't count the number of things she's guilty of. Not the least of which is what she's thinking right now. What she's thinking about Jake right now. Forget about the fact that his hair is rumpled, or that his suit is wrinkled, or that he didn't shave this morning. He's mesmerizing. She thinks she could listen to him talk all day. She would sit cross-legged at a campfire and listen to him spin a yarn.

“Tell me you never walked out of a store with something you didn't buy, just to see if you could, just to feel the rush.”

Camila's mind goes to the jewelry counter at Woolworth's, not that that was the only time. Jake watches her, and she senses he can see what she's thinking. What she's done.

“So if I put *your* life on trial, you'd feel guilty. Because you've done *something*. And if you sat in that witness box and started squirming, a jury of your peers would see it. All I'm asking of you today is to consider that. To consider that what you see as guilt may be guilt about something else entirely.”

Eye contact is the key in any trial, so Jake's eyes remain locked on Camila's. You believe people who can hold your gaze. People who look away—they're liars. So Jake's gaze never wavers, and he's pretty sure he has her. But he can't rush this, so he loosens his visual grip on her and walks slowly back to the defense table, knowing her gaze will not leave him. There's a glass tumbler waiting for him. Clear liquid and ice. He sips it like it's not water. It's *not* water. He feels it burn. It energizes him, gives him strength to continue.

He turns back to Camila. Eyes her black dress with a red floral print; the fabric looks like silk, though odds are it's polyester. It's a wraparound with a tie, and all Jake can think about is pulling the tie loose. Maybe that's the liquor seeping into his brain, but experience has taught Jake to hide those kinds of thoughts. He can't keep them at bay, but he can conceal them. He needs focus. He's got to be perfectly sure he's sold his audience. His audience of one. Because you only need one juror.

"You gonna let me have some of that?" Camila says, breaking his train of thought.

This might be the time to mention they're alone in the courtroom. At night. Even so, Jake admonishes her: "You don't get to talk. Yet."

Camila leans in, working her own magic. "I won't talk. I'm enjoying the performance. But I'd enjoy it more with a little taste."

Jake considers the juror's request and decides that it's rude to drink alone. He takes out a small, silver flask from the breast pocket of his suit. Pours more of the Casamigos Blanco tequila into his glass, then carries it to the jury box, dangling it like a carrot.

"You're not playing by the rules, now, are you?" he chastises her, holding the drink just out of her reach. Almost daring her to come get it.

"Are you really a lawyer?"

Jake leans in. "It's been said I can persuade *anyone* to do *anything*."

Camila knows it's a line, but she's a lost cause as she stares into those eyes. Deep green, with flecks of brown. Without taking her eyes off his, she reaches for the drink, her hand slithering over his until it's grasping the tumbler. She slides the drink out of his grip and puts it to her lips. Takes a sip. It's strong. It's nicer than what she usually drinks.

"What's the verdict?" He means the drink, but she's not done playing.

"I don't know. I'm thinking guilty. You think you can change my mind?"

Damn, but Jake likes a challenge. He leans in even closer.

"Here's the thing you have to understand." His voice is soft, intimate. "Being guilty of something doesn't mean you're guilty of what they say. So the question isn't, did my client lie? It's, what did they lie *about*? What did they *really* do? And whatever it is, did the other side *prove* it?"

Jake sits on the edge of the wooden railing. He's almost straddling Camila.

"You understand guilt, don't you? What do *you* feel guilty for?"

"Not for what's about to happen, that's for damn sure," she says.

And just like that, he's won the case. Or rather, he's achieved his end goal, which in this case means he slides his hand behind her neck and pulls her into a hard kiss.

Camila revels in it for a moment, then pulls away. Something isn't right. She studies him. The dark hair hasn't started to gray. Neither has the stubble, which would be the tell if he was coloring it out. His general air of bad-boy charm had been working for him, but in the kiss, she felt something dark, angry. Now, sitting back, she sees the darkness has crept into his eyes as well. Maybe it's just the liquor taking effect, but what seemed like charm thirty seconds ago is all at once clearly revealed as damage. Damage buried under a shitload of booze.

"Something tells me you understand about guilt yourself, Jake."

She's beautiful in the damaged way Jake is always drawn to. The damage makes her more attractive. As does the fact that she sees his darkness and she's still here. Jake drops over the side of the railing, grabs the tie holding the dress together. He doesn't pull, just slips a hand through the opening in the fabric and—

"Counselor!"

At the now-open double doors of United States District Court, Central District of California, Western Division, courtroom number 5D, a heavy-set security guard stands with Richard Kaplan, a lawyer in a suit that looks far better than Jake's, with hair that's far better than Jake's, and a face that's shaved far better than Jake's. None of which hides the fact that Kaplan seems weary and wary, staring with mixed emotions at what was once his best friend.

"Hey, Richie."

Jake doesn't remove his hand from inside Camila's dress. He's enjoying this unexpected turn of events.

"What the fuck, Jake?"

"I hadn't gotten to the fuck yet."

At that, Camila removes his hand from her dress. Liquor or no liquor, amazing eyes or not, she's not going to be put on public display.

Kaplan comes closer, digesting the depths to which his friend has sunken. "You really wanna get disbarred?"

"I have been working at it pretty hard."

Kaplan sighs. He wants to be angry, but all he feels is sad. He used to look up to Jake. He used to want to *be* Jake. What a joke that turned out to be. Over the past year he's watched Jake cut off, one by one, everyone he cares about. He tried to break through Jake's misery, to be a good friend, to be there for Jake. And that only made Jake work harder to push him away, to say things he probably didn't mean, but they had enough basis in truth to sting. Then he watched him behave that way to others, and he just couldn't take it anymore. He gave up.

But tonight he has a job to do. He walks over to Jake and tries to put his emotions in check. "Jake. Seriously. What are you doing here? You don't have any cases—you don't even have any clients."

Camila is surprised by that; she thought he was a big deal. He implied as much.

Jake shrugs an apology to her as he answers Kaplan. "I was doing a closing. Fact is, it was pretty good, wouldn't you say?"

He silently wills Camila to render the verdict he needs. She sees that the security guard at the back is looking the other way; clearly he wants nothing to do with this shit show, so there's no legal jeopardy here. As for Kaplan, she instinctively doesn't like him. He seems uptight, very unlike Jake, who, now that they've been interrupted, seems back to himself. The darkness has passed. And despite having been lied to and perhaps used, she still finds Jake attractive as hell. So she decides to play along.

"I'd say... he was gonna get his client off," she teases.

Camila and Jake are both amused. Kaplan can't say the same.

Kaplan and Jake head down the steps of the First Street U.S. Courthouse, a glass cube ten stories high, almost floating above the sloped downtown street. Kaplan's BMW 750i—with custom Donington Grey Metallic paint—is parked in a red zone right in front. It's more car than Kaplan needs, but it's worth its price for how his clients admire it if they hit the valet stand at the same time.

"This how you pick up women now?" Kaplan asks.

"No. I picked her up at an AA meeting."

"And which step is this?"

“Hah. Funny. I don’t remember you being so funny.”

“And I don’t remember you being so stupid. Oh wait—yes I do.”

Jake stops and tries to assess what’s really going on. For as long as Jake has known him, Rich has never had the guts to step out of line. He lives vicariously through Jake’s penchant for it. So what’s different tonight?

Rich is on a similar train of thought. Thinking how Jake used to amuse him. But now, at forty-one, what was once charming, almost enviable, is overwhelmingly sad and pathetic. Was Jake *always* sad and pathetic? Did Rich never see him for what he was?

“Do you even want to be a lawyer anymore, Jake? Or are you done with it all?”

“How could I be done? My name is on the door.”

“It’s your father’s name on the door,” Rich says bluntly.

“True, but I try hard to forget that,” Jake says. It’s his cross to bear, sharing a name with Norman West, the feared leader of the esteemed firm of Thompson & West.

Rich sees the paternal callout got under Jake’s skin, but it’s hard to have sympathy when having the shared name has bailed Jake out of trouble more times than he can count.

“You think I like this? Being your babysitter? You don’t think I have more important things to do tonight?”

“Gotta run home and redline some clauses? Adjust those profit definitions?”

Beneath this attempt at banter, Rich is aware this is exactly what Jake thinks of him as a lawyer. Hell, it’s what *everyone* thinks. Forget that his billings bring in 60 percent more income to the firm than Jake’s do; what he does is viewed as grunt work. He’ll never be at the top of the food chain because his work has no glamour. And tonight of all nights, this pisses him off.

There’s a lot Rich wants to say, but instead all he offers is this: “Fuck you, Jake.”

“No one asked you to come here, Richie.”

“Actually, someone did. The guy whose name is on the door.”

Interesting. Is his father keeping tabs on him? How the hell would he know to send Rich here? As Jake ponders that intrigue, Rich opens the passenger-side door, trying to move this along. An invitation for Jake to serve his penance. But Jake feels a deep, gut-level instinct to run. To bolt the other way, to fall in with the homeless contingent downtown, find some guy with a bottle in a plain paper bag and make a new friend. He

envies them, really. No responsibilities. No one to disappoint. He is acutely aware that thought makes him an asshole, but the idea holds a strong appeal.

Then he sees the beaten-down look on Rich's face—it reeks of disdain and pity and disappointment. And the liquor is wearing off, which means Jake's just noticed it's cold out. LA cold, maybe fifty-two degrees, but like everything, it's all about context and expectation.

Jake takes the easy way out—he gets in the car. Rich closes the passenger door and slowly walks around to the driver's side. He's gotten the job done, retrieving this human baggage, but the emotional toll it's taken is quite high. He feels an intense need to sleep. For a week.



This night should be a good one for Rich. He's on the verge of proving he's more than what people see. He may fail; he's well aware that the case he's taken on is either a way out or a way to destroy everything he has, but it's the way people like Jake look at him that makes him know he's done the right thing.

In a sudden burst of inspiration, or maybe it's fear, he thinks he should tell Jake everything. Enlist his help. But then his senses come back to him. He can see exactly how that would play out. Jake wouldn't marvel at what Rich had done, he'd step in and do what he always does—make it better and take all the glory. Richard Allen Kaplan would once again recede into the background, and no one would remember he was ever there. He thinks about *Chicago*, the musical. “Mr. Cellophane”—that's him. People look right through him as if he's not even there.

Fuck that. It's time to change. And he will allow Jake no part in it. He'll take him home and be done with it. He climbs in and settles in the cushy leather seat and marvels, not for the first time, at what \$131,878 can buy. He turns the car on, but then he takes in Jake sulking in the passenger seat, and he softens. In spite of everything, he loves Jake like a brother.

In his 2L year at Boalt, UC Berkeley's renowned School of Law (now simply called Berkeley Law to remove the connection to its racist namesake), Rich had spent so much time reading and studying and prepping, trying to keep up with others whose brains

seemed to work faster than his, or digest material faster than he could, that he didn't notice that his first real girlfriend, Emily Towne, the girl he had designs on marrying, had been around less and less. So when he found out he got an A plus plus on his Con Law final and showed up unannounced at her apartment to celebrate, he was stunned to find she'd been in bed with a 3L he knew and hated. Rich hated the 3L more, seeing him wearing a T-shirt Rich had left there. A T-shirt and nothing else.

Rich had wanted to sulk and brood and cry, but Jake was having none of it. Jake instructed him to burn every last item that had any emotional connection to Emily, then they went up to Tilden Park, made a bonfire at an empty campsite just below the steam trains, and drank until they passed out. A week later, Jake found Rich a date for an end-of-year party who was so hot, and draped herself all over him all night, that it made Emily insane. A crass stunt—but man did it make him feel better.

So now, he decides to give intervention one more try.

“Is this really what you want, Jake? To use your legal skills to get laid?”

“Kinda makes winning more fun.”

Beneath Jake's repartee, Rich sees he isn't actually having fun. He's miserable.

“Look, I get what you went through—”

“No, Rich. You really don't.”

That thought drives Jake to take the flask from his coat pocket. He unscrews the cap, tips the flask to his lips, and swallows. The Casamigos feels good going down, but it's not going to fix the problem, and that just makes him want more. So he takes another long pull.

Rich watches, shakes his head. It's hard to witness someone's self-destruction. Jake then offers up the flask. Kaplan despises himself, but in that moment he wants it. Needs it. He takes it and downs a big swallow of his own, which gives him the nerve to ask a delicate question: “You seen Cara?”

“Nope.”

“The kids?”

“Every other weekend. Tuesdays. Gives me a reason to sober up once a week. Not that they want to see me anyway.”

Jake really believes this. They've never told him so, but they don't have to—he feels the deeply rooted truth of it. He embarrasses them. He embarrasses himself, which drives

him to take the flask back. Rich sees the pain, the *real* pain, in his friend's face, and it's hard to stomach. Is part of it Rich's own fault?

"Come on, Jake—"

BAM-BAM-BAM. A hard knock on the passenger-side window with a flashlight. Jake and Rich both startle, but neither can make out the figure with the flashlight beam shining directly in their eyes.

"Cops. Always there when you need 'em." Jake rolls down his window. "Good evening, Officer, I'm—"

The matte-black barrel of a .44 Magnum appears in the open window and, almost simultaneously, a gunshot explodes. Rich Kaplan's head explodes too, blood and brain spraying onto the laminated safety glass of the windshield, onto the glass-reinforced polypropylene of the dashboard, onto the black merino leather, and all over Jake.

Jake is paralyzed. The sound has detonated the world into an altered state of reality; he can't hear, everything is underwater, he feels warm and wet, and he's not sure if he himself has been shot. He looks at what's left of Rich slumped against the driver's door. There's no head there anymore—there's flesh and bone and lots and lots of blood, but no discernible face. He looks back to the open window and sees nothing. No one.

Then Jake's eyes go to his lap, where the .44 Magnum now lies; he can feel heat from the discharged barrel through the mouliné wool of his suit pants. How the hell did it get there?

Panicked, he fumbles for the door handle, the blood making his hand slip off the polished metal. He manages to flick it open, kicks the door, and gets out, desperately trying to wipe the blood and brains off himself, like there's a spider on his body he can't see. Finally, he steadies his breathing, searches every direction. Unlike his ears, his eyes are fine, but all his retinas take in is darkness. No movement at all, not even a homeless person sleeping, no car creeping by. How is that possible?

Then he sees a hooded figure at the top of the block, ducking into the Metro station. There's a fractional instinct to give chase, but his feet don't leave the ground. His instinct to avenge what just happened is at war with the very real uncertainty of what would happen if he caught up with the shooter. What if they have another gun, or there's an accomplice Jake never saw? He could end up with no face like Rich.

He looks back to the blood-soaked Beemer, his dead friend slumped sideways. And his choice of inaction is made. Then he sees the .44 Magnum again—he's inadvertently knocked it to the pavement.

Yet all he can wonder in this moment is: Where the hell did his flask end up?

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The guy looks like an asshole.

Sioban McFadden knows the type well. It's not a species unique to Los Angeles. Back in Dublin, the haircuts were different, the clothes warmer, and the accents more appealing, but there were Irish Jake Wests just like there are Jake Wests the world over. Wealthy, entitled, spoiled assholes who think they can get away with anything. The world has taught them that they can. And while more often than not the assholes are right about that, it doesn't stop her from trying to change things.

She stares through the one-way glass at Jake; he's barely cleaned up, blood spatter still evident. He's trying to appear composed, but he's fidgeting. How much of his agitation is because of what's happened and how much because he needs a drink is hard to say. He looks up at a wall-mounted video camera.

"So, guys, I'm softened up—would you get in here?"

Sioban is enjoying his discomfort. She wonders how many times in his life he's made people wait, let suspects sit and squirm, either because he was too busy to show up or because it served some manipulative purpose he had in mind. Let the shoe be on the other foot for a change.

She's already biased against the man she's watching in the box because she's come to hate lawyers. She understands that some are good people, but the process teaches them to cheat and manipulate. It actually *rewards* such behavior. Sioban wonders if there is any place in the world where justice truly is blind. Where the system endeavors to do what's right. Where you don't have to fight so damn hard to stop people like Jake West.

In the box, Jake's mask is slipping. He's barely holding it together. His hearing has thankfully come back, but he still feels underwater, like everything is unreal. And while

usually he enjoys being the center of attention, this is not one of those times. He wants to be alone, to drink, to shower, to drink again, and to forget.

He can't take it anymore—he gets up, paces. He feels like one of those lions at the zoo. How do they stand it, being watched and studied, day after day? He knows he shouldn't do this; he's supposed to be calm and nonchalant. But his best friend, or at least ex-best friend, just had his face blown off right in front of him, so maybe a little pacing is the norm in such circumstances. Maybe that's what they're expecting from him to demonstrate he's a witness and not a suspect.

Jake walks up to the glass. He assumes they're watching, and he tries to demonstrate his innocence. He fixes a look on his face, the same one he schools his clients to use, particularly the guilty ones, in the courtroom. But from his side of the glass, all he can see is his own reflection, and he can't help but notice his appearance. Bloody, scared, sunken eyes. Is that from lack of sleep or the drinking or the trauma?

Then he sees something that makes his heart race.

“Shit. Is this... brains?”

He tries hard to control his breathing as he gingerly flicks the organic matter off his shoulder. Watching it hit the floor, he's struck that what he's just done is awful. This piece of Richard Allen Kaplan, his friend with whom he was sharing a drink hours ago, flicked aside to be swept up by the janitorial staff. Jake suddenly feels sick. He has to end this.

It occurs to him they may not be watching through the glass at all—they may be in a back room having coffee and congratulating themselves for having locked up someone who's helped guilty people go free. But he needs their attention. *Now*. So he turns to the camera and says for the record: “I know you're out there, and I know you need me to talk, so let me make a deal. I need a drink. I understand you have to keep my flask, it's evidence, whatever. Bring me what you've got. Gin and tonic. Easy on the tonic. And not some cheap, tasteless shit. Someone around here has to have some Tanqueray or Magellan stashed in their desk.” And then he smiles. “Pretty please?”

At this point, Sioban has what she needs. She feels she knows this man, how he likes to play people, how he uses what he's been told is his charm to his advantage. That knowledge is all very useful to her. Let him be charming. She's immune to it.

Jake has settled back into the intentionally uncomfortable chair, essentially having given up, when the door finally opens. He's expecting a grizzled veteran, someone like Adrian Hernandez or Dan Flores, someone twenty pounds overweight and jaded and excited to get a chance to come after the asshole attorney who's torn them apart once or a dozen times in various situations where they were either sloppy or corrupt or just had the bad luck to draw a case in which Jake needed to mercilessly beat their story into a lie.

The woman who enters is a welcome surprise. He pegs her in her thirties, very fair, a red tangle of hair providing all the color that's needed. She offers him a lowball glass. Intrigued, he takes the drink. The glass is heavy. Belongs to someone who understands having a drink isn't just about what's in the glass—it's the total experience. You feel it in your hand. You smell it. Only then do you sip. The glass is a fine start. Now he smells. Then sips. His eyes betray nothing.

"We were out of the gin. But the tonic's top of the heap."

Her Irish accent is the second surprise. She must be new. He would remember her.

"Your blood alcohol was 1.6, Mr. West. You've probably had enough anyway."

"I wasn't driving."

"Well then, I guess the world is safe." She extends her hand. Very friendly. "Detective McFadden. Sioban McFadden."

"You draw the long straw or the short?"

"You think you're worth drawing straws?"

Touché. Jake just might like this one. "You bother to check the security cams at the Metro like I told them?" he asks.

"Guy wearing a hoodie goes into the Metro. Very descriptive."

"Was he there?"

"Sure. There was a guy. A hoodie. But he wasn't running, wasn't panicked. No blood, no gun, no nothing to help. And rest assured, we even went a step further. No CCTV footage with an angle on the car. We see you and Kaplan leaving the courthouse, that's it."

"So do you have any leads at all, Detective?"

"Yes. We do. Actually, we think we may have the shooter in custody."

Her eyes drill into him, making her point clear. Wouldn't that make their lives nice and easy? One lawyer murders another. Get rid of two for the price of one; that's how the joke would go.

"Really? I'm the best you can do?"

"Gunshot residue on your hands—"

"I was opening the window—"

"Blood all over you—"

"I was sitting right next to him—"

"You were holding the gun when the patrol car drove by."

"I was going to give chase," Jake explains, though that's a complete lie. He doesn't know why he picked the Magnum up. It was a mistake. But he was in shock. Scared. It's why he hasn't asked for a lawyer yet; he wants to remedy that mistake. He wants to play concerned friend, co-victim of this attack. Asking for a lawyer before the police have asked a single question runs counter to that goal. He takes a sip of the drink, forgetting that it's just tonic. So disappointing.

"How pissed were you, Jake? That Richard Kaplan ruined your night?"

Jake expected this play; it's the obvious first move. He's not sure if she really believes it or just wants to, but this is how they were bound to game it out. His history wouldn't be lost on them. A drunk train wreck of a career, a history of violence—at least that's how they would spin it if they found out about his minor lapse. Or major lapse, depending on how the event was viewed. Regardless, everything she's saying makes sense. If he was prosecuting himself, he would have a field day in court. Again, why the hell did he pick up the gun? He has to defuse that bomb.

"I get you have to start with the standardized playbook, but you're wasting your time. If you actually knew anything about me, you'd know Rich Kaplan was my friend."

"I know exactly who you are. I know you pissed away your career, you've been drinking, wife left you, you're a walking cliché. I'm thinking Kaplan stepped into the void, took your spot at the firm, became your father's go-to. That had to hurt, right?"

Sioban gives him a minute. She wants to let him stew in the evidence that two hours has brought to light. He'll understand it's just the tip of the iceberg. She's sure there will be more.