

Cash at Home

The first thing she said was that her mother had died two days previously leaving over \$400,000 in cash hidden in her home. What should a daughter do?

My usually glib partner, a trial lawyer of some renown, was dumbfounded but stammered that a fee agreement might be a nice place to start. And what was it that she wanted our firm to do?

She had no clue about what services what she wanted, and he had none about what she needed. That was my cue, as a much junior but aspiring lawyer, to enter the conversation.

Because her mother, a palm reader, had died at age 83, I opined that opening an estate might be a good idea. But what if the money were stolen or unreported income, my partner asked? Would our prospective client be willing to guarantee personally the fee? Fully insulted, she replied that she thought attorneys were part of a profession not a business. Touche.

Did her mother have a will, I asked? Of course, and she had written it herself in her own handwriting, knowing that it could be probated in Tennessee without witnesses. No lawyer necessary either!

In fact, had it not been for one of the county's finest citizens working in the probate office who refused to accept the document without a lawyer trying to file it, she would not have come to see us. She was the executor and sole beneficiary; she professed a lack of concern that her brother had been left out of the will.

This lady was going to be a problem, but our business plan called for representing an occasional joker. So my partner proposed, and she said she would sign, our usual agreement for representing an executor. That meant that it would be a percentage of the estate, and the entire fee would be payable at the conclusion of services. But first we had to do an investigation, lest the DEA or the IRS reduce the estate to zero.

Our firm's cracker-jack investigator was its youngest partner, me. Our prospective client explained that her mother wouldn't touch any drug except aspirin; clients of palmists usually paid in cash; they were an unusually grateful bunch if good fortune befell them; her mother distrusted banks; the IRS had audited her mother ten years previously; and the settlement with the government had only partly depleted the hoard. There had never been a robbery attempt although, yes, the neighbors probably thought the mother kept cash in the house, which was also her office. So I signed an agreement to represent the daughter.

Every secretary in our firm volunteered to count and photocopy the money. Also two associates. (Never mind about a federal statute prohibiting most photocopies of money, my partner concluded. The daughter was going to deposit the money in a bank after tabulating it. She needed proof of serial numbers.) It took two days at the copy machine with me guarding the door -- asleep on a couch for the intervening night -- and a borrowed badge on my chest.

Problem! The final total came to \$487,460, in hundreds of boxes and thousands of bills, more than enough at the time, along with the mother's real estate, to trigger death tax returns and

inevitable audits.

The immediate concerns, though, were the disinherited brother and a probate judge who like to talk to anyone in sight about what he regarded as a fascinating job. A will contest was out of the question. Counselor that I am, I persuaded our client that publicity was not in her best interest. A friend in another law firm thanks me to this day for the easiest fee he ever earned by representing the brother. The judge was disappointed when the lawsuit about the will was settled before the hearing. We lawyers kept a tantalizing secret to ourselves.

My partner, the experienced litigator, used disarming candor as a strategy when the death tax audits occurred. Both the federal and Tennessee examiners insisted upon tape recording the interviews with our client, but for him it was another grandiloquent performance before an audience. He insisted upon asking the questions, not hesitating over the fact that she had been warned that her answers might be used against her. He also had affidavits from clients of the mother, calculations from a CPA about how the money from palm reading had been earned over a long period of time, and a few other techniques that he promised to reveal in his memoirs.

A few months later the tax closing letters arrived. No additional tax due. No referrals to the DEA. No handwritten notes from the examiners about how there would be a next time.

No one took greater satisfaction than the president of the bank where our client deposited her mother's money. He only smiled when the boxes of cash arrived. Indeed, he was quite helpful, explaining that an investigation about why a deceased octogenarian had a mysterious amount of cash might not be a priority for law enforcement agencies. He never acknowledged his pleasure at the triumph of the banking system over an eccentric lady, though his lower lip appeared bloody from biting.

At our final meeting with the daughter, our client was smiling too. With some trepidation, my partner presented a rather sizable bill for our services. Not to worry. All she asked with a wink was whether it would be okay to pay our fee in cash. Then she gave us a check.

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