

NO FEET ON THE RAILING

by

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We entered the courtroom through the heavy double doors and, purposeful as High Holiday Jews, moved en masse toward a row of empty seats.

No feet on the railing, the small sign commanded. The sign failed to advise me where exactly my feet ought to go, but I did get the message that it would be frowned upon to shift my feet up to the railing. They would be unsettling, conspicuous. Could I tuck them under me on the seat of the chair or did they have to be properly placed on the scuffed hardwood beneath me? I looked around and pretty much everybody was seated with feet placed on the floor. The sign must be working, I thought. Otherwise we would all have our feet on the barrier that separated us from the judge.

If it had been up to my mother, the accident never would have happened. She had been the main driver since my father lost his vision right after they were married and never let anyone else drive her car. On the way home from an impromptu weekend with friends, my father coerced her to hand over the wheel. He insisted that she was too tired and needed a break. My father asleep in the passenger seat. Mom in the back. The friend who was driving blacked out. A beautiful blue-sky day. No traffic on the highway. Mom's cherished turquoise Cadillac Seville launched headlong into a tree. No one was wearing a seatbelt. My father was killed instantly.

No feet on the railing. No discourteous behavior. No pushing the limits. No going against the rules. It's a good thing that on this murky January morning my father was sixteen years dead, because he would have pushed the envelope, and who knows how his behavior might have

affected this outcome? But, of course, the situation we were facing was a result of his unlimited appetite for rogue business schemes. No paper trail left behind. He took it all with him.

My father, who'd had no intention of dying abruptly at age sixty-one, entrusted us with a complex trail of debt that even his young, crackerjack attorneys could not unravel. A flabbergasting concoction of American-Jewish intellectual and high-end horse trader, he was the antithesis of my mother, a quiet, constant, just-so Bostonian who would never let her slip show in public. She used to tell me that after losing his sight, he lived every day like it was his last. The exhilaration of making a deal, of recrafting reality, was an addiction for him. For my mother it was an endurance test.

With the loss of my father, their house went into foreclosure and assets vaporized. But, even in death, my father had a wild card up his sleeve. He had purchased a \$5 million piece of property in downtown San Jose that had only just sold. In the final analysis my mother stood a good chance of becoming a millionaire.

The elderly judge, swathed in billowing black, entered through the back door and marched to his seat. *Will all those present please stand. Please be seated.* He tilted his head to accommodate his bifocal lenses and read out loud, *The following cases have been approved unless any objections are raised: One, Leonard Hesterman, Three, Frank Hernandez, Five, Hugo Barnes, Eleven, Norman Weiss.* He stopped when he reached number thirty-two. I sucked in a huge lungful of air. The man seated in front of my mother shifted his body to the side, arm draped conspicuously on the back of the chair to his right. Could he hear the pounding of my heart? Could he be one who had come to raise an objection, who might demand more money

than my father's estate could offer? I scanned the room for hostile glances, set jaws, pursed lips. This was still enemy territory.

I wondered if my father were to walk into the courtroom at this moment, would he recognize us? Mom, seated to my left, was grayer and propped up by a cane due to ligament damage sustained in the accident, and all of us more solemn, less innocent. The whomp of the gavel and the authoritative voice of the judge startled me. *Hearing no objections, they are all approved.* My mother's attorney, out of his chair in a flash, rushed to the judge's desk, where he was handed a commanding stack of papers. Frozen, I waited for someone to raise a hand and call out, *I object! I object!* Not a soul came forward. My younger sister, Eve, nudged me. *Let's go.*

No feet on the railing. Stand up, sit down. It was over before it had even begun. Given the way my father lived his life and the arduous wait for the estate to settle, I expected high drama in the courtroom. I was sure that the room would be filled with people demanding more than we were offering. But, surprisingly, none of those to whom my father owed money (there were over one hundred) even bothered to show up.

The night before, in our hotel suite at the Crown Plaza in downtown San Jose, I called everybody over to my bed. *Okay, you guys, close your eyes.* I lifted the nonstick backing off with my fingernail and pressed a nametag onto my brother Oran's shirt. Written in large Sharpie letters was *Son of an Heiress*. My sisters' naturally said *Daughter of an Heiress*. Mom's said *Heiress Extraordinaire*, and on her small, gray head I placed a paper crown adorned with plastic flowers and fake money that I had created in my office before driving to San Jose. Given that her Hebrew name, *Malka*, means "queen," it was fitting. The word *Heiress* was scrolled onto a

magenta ribbon that hung alongside her ear. She laughed, lifting her hand to straighten the crown.

Let's just hope things go well tomorrow.

They will, Mom, I have a good feeling.

From your mouth to God's ears.

You don't even believe in God. How about to Dad's ears? I'm sure he's listening.

Yes, well, if you have a chance to talk to him, tell him...

I will.

Before the celebration lunch we had promised ourselves—regardless of outcome—we drove by the downtown property that had finally paid off. Some developer was clearly on the way to great wealth. Then to Dad's gravesite in the Oak Hill cemetery. His grave was in the Jewish section of the cemetery, called Home of Peace. The five of us stood in a circle around his headstone. On the gray marble was etched:

In the final analysis

And beneath it:

Leonard Hesterman, October 1921-December 1982

"In the final analysis" had been one of my father's stock phrases. He used it often during debates to drive a point home. I looked down at the grave and said, *You know Mom, when you chose the wording for the headstone it struck me as...*

Flippant?

Yes, but now...

Now, standing by the grave, absorbing all the details that had led to this moment, I understood. My father's life had been dedicated to evading rules and regulations. He had dodged the IRS, defaulted on loans, and consistently left a load of unpaid bills in his wake. Had he been in that courthouse with us, his feet would have been up on those railings. He would have nudged me and, in a vigorous whisper, said, *Beware of the tight asses, they rule the world*. In the final analysis, and from beyond the grave, my father had masterminded a happy ending for my mother. Hopefully he could now be at peace.

I dug around in the dirt by the wall surrounding the Jewish section and found a little stone for each of us to place on the headstone. One by one we knelt down and placed our stones where years ago we had cast a handful of dirt onto the casket. We held hands and bid our father one final, silent adieu. His reign as chief instigator had come to an end.

Mom said, *Okay, it's time to move on, everybody*.

Let's go find Grandma and Grandpa, my sister said.

We moved to the other side of the cemetery in search of Bubbie and Zayde's headstones. Born in Vilna and Kiev, my father's parents were far away from home. Mom was the one who had purchased the plots and remembered that they were in the corner by the fence under a large tree. She remembered this because she thought that Bubbie would like being in the shade. Finding no side-by-side headstones in the corner and concluding that we were turned around, we scattered in different directions in search of two headstones bearing the name Hesterman. I passed *Jane Rosenberg, 1933-1974, Beloved mother; Bertha Cohen, 1921-1975, Beloved sister and friend; Arthur Magid, MD, Beloved father and husband*. I passed the grave of a child who

had lived for a week. I felt the tears of generations falling down my cheeks. But I could not locate my grandparents.

A maintenance worker passed by and I asked for help. He went to the office and, when he returned, walked to the very spot where we'd started, under the tree by the fence. Unwittingly, all of us had been standing right on top of Bubbie's gravestone. I could hear her cry out, *Shayna mamela! You found me!* But where was Zayde? My brother, Oran, the agronomist, who loves the earth the way Zayde did, got on his hands and knees and ran his hands through the coarse Bermuda grass. *It should be right here.* And feeling around beneath the grass, he hit a hard surface. *Maybe this is it.* The worker and his buddy got their shovels from the truck and unearthed the gravestone, covered with at least three inches of sod and dirt. I could hear my grandfather—who, in his later years, had been a diligent and loving gardener—yelling *Veizmere*, cursing the shoddy plot maintenance.

And so it was that after sixteen years of limbo, my mother became a millionaire. She went home and purged hundreds of green-and-white legal envelopes from the file boxes littering the floor of her guest bedroom. She found a real estate agent, bought a new house, and packed up her life. In the final analysis, she paid all of her utility bills on time and never had to worry about losing her power again.

THE END