

# The Evidence

*A Novel*

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# **The Evidence**

## **Chapter One — The Brief**

### *Scene One — The Conference Room*

The conference room smells like every conference room in Washington DC.

I know this smell — the specific layering of carpet and recirculated air and the ambient ambition of people who have been sitting in these rooms for too long. I have been in twelve conference rooms in five cities this year alone and they all have this smell and this one is no different except that this one matters more than the others.

I have three years of atmospheric data on my laptop and I am here to explain what it means to a room full of attorneys who are paid to be skeptical.

I am good at this. Atmospheric attribution work requires the ability to translate the specific language of science into the specific language that other kinds of people can receive, and I have been doing this translation for fourteen years. Congressional testimony twice. Depositions in four cases. One memorable afternoon explaining the carbon cycle to a Texas judge who was working very hard to appear interested.

The room: eight attorneys from two firms, arranged around the table with the specific geometry of an alliance that has not yet decided how much it trusts itself. Laptops. Coffee cups. The attentiveness of people who are about to hear something they need and are preemptively evaluating whether it will be useful.

He is at the end of the table.

I know which one he is because I looked him up before flying down from Boston. Jonas Vela, thirty-nine, seven years at the firm, the attorney who argued the precedent-setting liability case in 2019 that changed how federal courts evaluated climate causation. The attorney whose argument structure I have read three times because understanding what the law needs from my data is the most important preparation I can do for a case of this magnitude.

I begin the presentation.

Thirty slides. Three years of data. The specific chain of causation from industrial emissions to documented physical damage to measurable economic losses. The science that will become the evidence.

He takes notes.

Not the performed note-taking of a person who wants you to know they are paying attention — actual notes, the specific writing of a man who is recording things he intends to use.

Halfway through slide fifteen I make the first joke.

It is a good joke. A specific, accurate observation about the relationship between atmospheric modeling confidence intervals and the confidence intervals that appear in legal arguments — how the legal ones are always wider, and how if atmospheric science had legal confidence intervals we would all feel significantly better about the future of the planet.

The room laughs.

He writes something down.

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### *Scene Two — After The Presentation*

After: the room dispersing, the attorneys converting information into next steps.

He stays.

He says: the error in slide fourteen.

I say: which error.

He says: you said the confidence interval was ninety-five percent. The footnote in your supporting data shows ninety-three point seven.

I look at him.

I say: that's not an error. Ninety-three point seven rounds to ninety-five in scientific communication contexts.

He says: in legal contexts it doesn't round.

He says it without accusation. He is sharing information the way I share data — here is the thing, here is why it matters.

I say: I'll change the slide to ninety-three point seven.

He says: thank you.

He says: I want to understand the measurement methodology for the particulate attribution model. Can we schedule time this week.

I say: I can give you Thursday afternoon. I should warn you it involves significant mathematics.

He says: I have a mathematics degree from MIT.

I say: then you are either overqualified or severely underusing your education. Fifteen years of law and you've been sitting on an MIT mathematics degree. That's like using a spectrometer to open a can of soup.

He does not smile.

He writes something down.

He says: Thursday at two.

He leaves.

I stand in the emptied conference room.

The spectrometer joke was very good.

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*Scene Three — Thursday At Two*

The conference room again — just the two of us this time, my laptop and his yellow legal pad.

I explain the particulate attribution model.

He has the mathematics degree and he uses it — he is following the methodology in the way that a person follows methodology when they have the technical foundation rather than pretending to follow it in the way of a person who wants you to think they are following it.

He asks three questions during the explanation. All three are the questions of someone who is tracking the argument and has identified the places where it is most vulnerable to challenge.

The third question: why does the model assume a linear relationship between emission levels and atmospheric concentration at the high end of the distribution. He says: a plaintiff's expert who assumes linearity in a nonlinear system hands the defense a gift.

I say: because at the concentrations we're measuring, the system behaves linearly within the error bounds.

He says: can you prove that to a judge.

I say: can you argue it to a judge.

He says: I can argue anything to a judge. I need to know if the argument survives cross-examination.

I say: yes. It survives cross-examination.

He says: how.

I spend forty minutes showing him how.

He takes notes on all forty minutes.

He says: okay. I believe you.

I say: that was unusually fast.

He says: I believe you because the mathematics works, not because you convinced me.

I say: those are the same thing.

He says: in science, yes. In law, not always.

I look at him.

I say: that is a genuinely interesting distinction.

He says: yes.

He says it with the quality of a person who finds the distinction genuinely interesting rather than with the quality of a person who has said something he believes is clever. He finds it interesting because it is interesting, not because he said it.

I file this.

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*Scene Four — Diane*

I call Diane from the hotel room Thursday evening.

Diane has been managing my lab for six years. She knows how I work better than anyone and she has opinions about the how that she keeps to herself unless she decides not to.

She asks about DC. I tell her about the case — the scope, the evidentiary foundation, the data sections I need to build.

She says: and the lead attorney.

I say: Jonas Vela. He has a mathematics degree from MIT and he says he believes things when the mathematics works rather than when he is convinced.

She says: what does that mean.

I say: it means he's the first attorney I've worked with in eight years who evaluates my data rather than evaluating my presentation of my data.

She says: Mara.

I say: what.

She says: you've been in the same room with this person for a combined total of what, five hours.

I say: I pay attention.

She says: you pay attention to data. You make jokes about people.

I say: I make accurate jokes about people. There's a distinction.

She says: have you made a joke about him.

I think about this.

The spectrometer joke. The MIT underuse joke.

I say: I made a joke.

She says: and.

I say: he wrote something down.

Diane is quiet for a moment.

She says: he didn't laugh.

I say: the joke was good.

She says: I know it was. Did he laugh.

I look at the hotel room ceiling.

I say: good night, Diane.

She says: good night, Mara.

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*Scene Five — The Case*

Week one: the case in full.

The Eastshore Climate Liability Case. Seven coastal municipalities suing a consortium of fourteen oil companies. Forty-three billion dollars in claimed damages. The largest climate liability case ever filed in a US federal court.

My role: chief scientific expert. The evidentiary foundation.

His role: lead trial attorney for the plaintiffs. The argument.

The gap between these two roles is the gap between the data and what you do with the data. I can tell you what the atmosphere has been doing with ninety-three point seven percent confidence. He has to tell a federal judge what that means for fourteen named defendants in a way that survives everything the defense brings.

We begin building the evidentiary record.

He asks for more access to the methodology than I expected. Not just the conclusions — the process. How the measurements were taken, how the attribution calculations were run, where the uncertainty lives and why.

He asks good questions. The questions of someone who is thinking alongside the work rather than waiting for the summary.

I find this—

I make a joke about Bayesian statistics.

He writes something down.

I notice that I made the joke at the exact moment I was about to finish the thought.

I notice this and I file it in a location I do not immediately examine.

I work.

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*Scene Six — The Joke That Doesn't Work*

End of week one, Friday: the storm intensification data.

The data is strong — this is the strongest section of the evidentiary record, the signal clear, the causation chain well-documented.

I am explaining the signal-to-noise ratio.

He is listening with his full attention, which is the complete version of full attention — not the partial attention of someone who is processing the last thing while receiving the new thing, but the actual full attention of a person for whom listening is how they understand.

He says: the strongest signal in your dataset is also the oldest. The storm intensification correlation you've documented from 2005 to present is more robust than the sea level data from 2010 to present. If you lead with the stronger signal instead of following the chronological narrative, you give the judge certainty first and context second. The defense can't undermine certainty with questions about context if the judge already has the certainty.

I look at the data.

He is right.

He has been in this data for forty minutes and he saw something I have been too close to see for three years.

I say: that's a really good point. Almost as good as the one I was going to make next, which is that you have somehow managed to be more useful in forty minutes than every other attorney I've worked with in eight years, which raises several questions — chief among them what those other attorneys were doing with the remaining time, and also the deeply uncomfortable possibility that I should have brought you in three years ago, which I couldn't have since we'd never met, which means the fundamental problem with my research program may be a networking failure addressable with a LinkedIn upgrade.

I deliver this in approximately nine seconds.

He looks at me.

He says: you do that.

I say: do what.

He says: when something is real you make it funny.

I look at the storm intensification data.

I say: the point stands about leading with the stronger signal.

He says: yes. It does.

He says: and the other thing also stands.

He goes back to his notes.

I look at the storm intensification data.

I think: he said when something is real you make it funny.

I think: he noticed.

I think: in eight years of working with attorneys no one has ever said that to me.

I think about what it means that he noticed.

I file this in the location I have not yet examined.

# The Evidence

## Chapter Two — The Data

### *Scene One — The Morning Sessions*

By Wednesday of week two we have established a pattern.

Eight to noon: I present data sections, he asks questions, we build the evidentiary argument together. Afternoon: he drafts legal sections, I review for scientific accuracy. Evening: we compare notes and plan the next day.

This pattern has the quality of a collaboration that found its rhythm faster than either of us expected, which is not always the case. I have worked on three depositions where the rhythm never came — where the attorney and I were always translating between two languages that wouldn't fully meet. This is different. The languages are meeting somewhere in the middle.

He arrives before eight every morning.

I arrive before eight every morning.

The first morning this happened we came through the side door of the building at the same moment and looked at each other with the mutual recognition of two people who have arrived somewhere first and found they are not alone.

He made the coffee.

I carried it to the table.

Neither of us said anything about this division. It simply became the division, the way things become the division when two people are working closely enough together that the small logistics sort themselves.

I think about the coffee division sometimes.

I think about it briefly and then I think about the sea level data.

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*Scene Two — He Argues Against Himself*

Tuesday afternoon: Jonas presenting his draft argument structure for my scientific accuracy review.

He is good at this — the specific competence of an attorney who understands that legal argument and scientific argument have the same structural requirements, that both need a chain of evidence to a conclusion, that the chain is only as strong as its weakest link.

He presents the storm intensification argument — the one where we lead with the strongest signal, the certainty before the context.

Then he says: though it should be noted that the defense will likely argue that the 2005 starting point for the correlation represents a favorable selection of data, and there's some validity to that concern given that 2005 was a particularly active hurricane season, and a judge who examines the data before 2005 will find a less robust signal, and the defense's expert will certainly —

He keeps going.

He argues, in detail and with genuine competence, against his own argument.

For four minutes.

I let him finish.

I say: are you the plaintiff's attorney or the defense's attorney.

He says: both, in my head.

I say: is that productive.

He says: it prevents surprises.

I say: it also prevents commitment.

He looks at me.

He says: the 2005 starting point concern is legitimate.

I say: yes. And the answer is that 2005 is the year the attribution methodology reaches statistical significance, not a year we selected because the data was favorable. The starting point is determined by the data's own logic, not by ours.

He says: that's a good answer.

I say: I know. Stop arguing against yourself long enough to use it.

He says: I'll need to argue against it again before trial. To be sure.

I say: yes. Maybe do that in your head rather than out loud to me, and then use the answer I just gave you. That's the methodology.

He almost smiles.

I file the almost.

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### *Scene Three — The Attribution Problem*

Wednesday: the hardest section of the evidentiary record.

Attribution is the legal and scientific core of the case. Causation is established — emissions change atmospheric composition, atmospheric composition changes temperature, temperature change produces sea level rise and storm intensification. This chain is not in dispute.

Attribution is the harder question: how much of the documented damage is attributable to these specific defendants' emissions rather than to global emissions in general. The defendants will argue their individual contribution is too small to constitute proximate cause.

I have a model that addresses this.

He needs to understand it well enough to defend it from any angle the defense chooses.

We spend Wednesday on the model.

At four in the afternoon he says: I understand it. I can argue it. The defense will attack the proportionality calculation specifically.

I say: I know.

He says: walk me through the weakest version of the proportionality calculation.

I say: you want me to make my own case weaker.

He says: I want to understand where it's weak before the defense does.

I say: that is an extremely sensible approach and also an exhausting way to practice law, and I say this as someone who generates error bars for data that might undermine my own conclusions for a living, so I am not judging the methodology, I am expressing professional sympathy.

He says: the weakest version of the proportionality calculation.

I say: right.

I walk him through it.

He takes notes on all of it.

He says: I can defend that.

I say: are you sure. You haven't argued against it yet.

This time he does smile.

Small. Real. The specific smile of a person who has been genuinely amused rather than socially amused.

I file the smile.

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*Scene Four — Priya*

Thursday: Priya.

Senior partner, forty-two, the attorney who structured this case before Jonas took the lead. She is excellent — the specific excellence of someone who has been doing this work since before it was a viable practice area and who has the accumulated competence of someone who was in it early.

She comes Thursday afternoon to review the evidentiary record progress.

She approves of the storm intensification lead. She has two questions about the attribution model, both of which are good questions.

Then she sits with Jonas for twenty minutes going through the argument structure.

I am at my end of the table with my laptop.

I am not watching them.

I am watching the attribution model data.

Priya is easy with him. Not performing ease — easy, the specific ease of a person who knows what she wants and is present about it without making the presence a performance. She leans slightly toward him. She says things that are real and doesn't soften them into something lighter.

He responds with the warmth of a person who likes someone and is not managing the liking.

I type something into the attribution model that does not need to be typed.

I think: she is doing the thing I do not do.

The thing I do not do is be present without the armor. She is present. She is interested and the interest is just there, visible, without a joke wrapped around it to keep it at the right distance.

I look at the attribution model.

The proportionality calculation is correct.

I already knew it was correct.

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### *Scene Five — The Working Dinner*

Thursday evening: the third working dinner.

The restaurant he chose: small, not loud. He has been choosing the same quality of restaurant. I have been noting this without noting it.

The work: the proportionality calculation, the storm intensification lead, the argument structure's final sequence.

We work through dinner.

Then — the moment when the conversation about the case becomes a conversation that is not only about the case.

He says: what made you choose atmospheric chemistry.

I say: I was eleven years old and my parents were getting divorced and someone gave me a book about weather and I found out that thunderstorms form because of charge differential — the specific physics of it — and I thought: the chaos has a mechanism. And if you understand the mechanism the chaos makes sense. And then I thought: I want to understand all the mechanisms.

He says: and have you found that understanding the mechanisms makes the chaos make sense.

I look at my wine.

I say: scientifically yes. Personally, the jury is still out, though I'd note that the evidentiary standard for personal chaos is significantly lower than for atmospheric phenomena, so perhaps I've been applying the wrong bar.

He says: you added the joke to the honest part.

I say: what.

He says: the honest part was the answer. Then you added the joke so you'd have somewhere to go after the honest part.

I look at my wine.

I say: the jury remains out.

He says: I know it does.

He says it without emphasis. He is not making a point. He is noting something and letting the noting sit without requiring a response.

I look at my wine.

I think about the eleven-year-old at the dinner table.

I think about the joke that kept everyone there.

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*Scene Six — What He Says About Himself*

He says: I'll tell you mine.

I look up from my wine.

He says: what made me choose this. Climate litigation specifically.

I say: tell me.

He says: I was in a hearing room in 2011. First year as a full attorney. An industry expert was testifying that the data on sea level rise was insufficient to establish causation. And the data was not insufficient. The data was very clear. The problem was the argument, not the data. The argument was insufficient.

He says: and I understood in that moment that I had a choice. Make the better argument or accept the terms of the worse one.

He pauses.

He looks at his wine.

He says: and I chose. I decided I was going to spend my career making the better argument. That's what I did.

He says it without the other side.

He says: I chose. I decided. That's what I did.

Three declarative sentences. No qualification. No however.

I look at him.

He looked at his wine while he was saying it and now he is looking at me.

I say: that's the version without the other side.

He says: yes.

He says: I decided to try it.

I say: how does it feel.

He says: uncomfortable. Also correct.

I say: most true things are both of those.

He says: yes. They are.

He says it with the quality of a man who means it.

I look at my wine.

I think: he said it. Three sentences. No qualifications.

I think: I should say something.

The joke arrives — something about confidence intervals and the evidentiary standard for personal decision-making.

I look at my wine.

I don't make the joke.

I say: yes. They are.

He looks at me.

He does not say anything about the fact that I didn't make the joke.

He doesn't need to.

We both know.

# The Evidence

## Chapter Three — The Armor

### *Scene One — The Deposition Prep*

Week three: he prepares me for deposition.

He sits across the conference room table and becomes the defense attorney.

Not performing it — actually doing it, the specific transformation of a person who has argued so many sides of so many cases that he can inhabit a position with genuine conviction. He asks the questions the defense will ask. He presses where they will press. He does not soften the cross-examination to make me feel better about my performance.

He is formidable on the other side.

He attacks the attribution model from five angles. I defend from five angles. He finds a sixth — a question about the measurement baseline I have genuinely not been asked before, which requires me to think in real time rather than produce a prepared answer.

I think in real time.

I find the answer.

I say: the measurement baseline is determined by the earliest reliable satellite data for the specific atmospheric compounds we're measuring, which is 1979 for most of the relevant compounds, which predates the period of the defendants' most significant emissions by approximately fifteen years. The baseline is established before the period at issue. It cannot be said to reflect the defendants' influence on the starting conditions.

He says: how do you know the 1979 satellite data is reliable.

I say: because I have compared it to ground station measurements from the same period and the correlation is within acceptable scientific margins.

He says: acceptable to whom.

I say: to the scientific community, whose standards for acceptable I can provide in the form of seventeen peer-reviewed publications.

He comes out of the defense attorney role.

He says: that last answer. The seventeen publications.

I say: it's accurate. There are seventeen.

He says: it's also defensive. The seventeen publications need to be offered as confidence, not retreated to as a shield. The judge will read defensiveness as weakness even when the substance is strong.

I say: the distinction between offering and retreating to.

He says: is the difference between the person who knows and the person who is afraid they might be wrong.

I say: and you can tell the difference.

He says: after fifteen years, yes.

I say: what a useful skill. I imagine it has interesting implications for your personal life — knowing the difference between confidence and defensiveness in everyone you meet, including presumably yourself, which raises the question of whether the self-knowledge is useful or just means you see your own defensiveness very clearly while being unable to stop it, which would actually be a kind of hell, so perhaps the skill is a mixed —

He says: that was the armor.

I stop.

He says: I said something true and you made it funny so we didn't have to stay in the true part.

I look at the conference table.

I say: the seventeen publications need to be offered. Noted.

He says: yes. And the other thing also noted.

He goes back to his yellow pad.

I look at the table.

He named it. Again. This time with the word armor.

I think: he knows what it is.

I think: in three weeks no one has ever named it that precisely before.

I think: I don't know what to do with that.

I pick up my pen.

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*Scene Two — Theo*

Lunch: Theo appears with sandwiches.

He does this periodically — shows up at the conference room with food and the specific air of a person who is checking on something while pretending to be delivering lunch. He is Jonas's co-counsel and has been for seven years and he has the particular attentiveness of someone who knows his colleague well and pays attention to things adjacent to his colleague.

He sets down the sandwiches.

He says to me: how's he treating you.

I say: with the specific intensity of a person who is simultaneously my attorney, my examiner, my co-author, and my most consistent structural critic.

Theo says: yeah. That tracks.

He looks at Jonas.

He says: she's good.

Jonas says: yes.

Theo says to me: has he argued against himself in front of you yet.

I say: at length.

Theo says: he does it for every case. I give him a timer sometimes. He only gets five minutes of arguing against himself and then he has to commit.

I say: does the timer help.

Theo says: sometimes. Sometimes he just argues against the timer.

Jonas says: the timer is an artificial constraint on legitimate methodological rigor.

Theo says: see.

He eats part of his sandwich.

He says to me: the deposition prep is going well. He told me.

I say: he said that.

Theo says: he said the attribution model will hold up under anything.

I say: it will.

Theo says: he also said you're very fast.

I say: at what.

Theo says: he didn't specify. I assumed he meant the answers.

He finishes his sandwich.

He looks at both of us with the look of someone who has been watching his colleague for seven years and has formed views he is not currently sharing.

He says: good case.

He goes.

I think about: she's very fast.

I think about what fast means in context.

I file it.

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### *Scene Three — The Strongest Signal*

Thursday: I restructure the evidentiary presentation.

He was right about leading with the storm intensification data. I know he was right. I have been resisting the restructure because the chronological narrative is how I think about the data — I built the evidentiary record in the order in which the evidence accumulated and presenting it in a different order requires thinking about it differently, which is work.

I do the work.

I present the restructured version Thursday afternoon.

He reads it through without speaking.

He says: this is significantly better.

I say: yes. You were right about the signal order.

He says: the evidence was always this strong. You just rearranged it.

I say: you suggested the rearrangement.

He says: and you did it. Those are different contributions.

I say: that is either very gracious or very precisely accurate and I cannot determine which.

He says: it's accurate.

He goes back to the presentation.

He says: Judge Kwon — the federal district judge assigned to this case — is known for patience with technical testimony and impatience with repetition. She will read the evidentiary record before trial. She will arrive with questions. Your deposition testimony needs to anticipate the questions she'll have after reading.

I say: what questions will she have.

He says: the ones I haven't asked you yet.

I look at him.

I say: you've been saving questions.

He says: yes.

I say: for when.

He says: when you're ready for them.

I say: how will you know when I'm ready.

He says: I'll know.

He says it with the quality of a person who has been paying close attention for three weeks and is confident in the assessment.

I think about someone who saves the hard questions for when you're ready.

I think about what that requires of the person doing the saving.

I make a joke about judicial readiness standards.

He writes something down.

I note that the joke arrived at the moment before I was going to say something that wasn't a joke.

I note this and I don't examine it yet.

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*Scene Four — Diane Calls*

Friday evening: hotel room.

Diane calls before I can call her.

She says: how's the case.

I tell her about the restructured presentation, the deposition prep, the model's structural integrity. The facts of the week.

She says: and Jonas Vela.

I say: he saves the hard questions for when he thinks I'm ready for them.

Diane is quiet.

She says: what does that mean.

I say: it means he has been calibrating his approach throughout the week rather than deploying a standard methodology. Which means he's been paying close attention to me specifically. Which is professionally useful and —

I stop.

Diane says: personally.

I say: professionally useful.

She says: you stopped the sentence.

I say: I completed the sentence.

She says: you said professionally useful twice. That's not completing the sentence.

I look at the hotel room ceiling.

I say: the case is going very well.

She says: I know. You said. How's Jonas Vela.

I say: he doesn't laugh at my jokes the way people usually laugh at my jokes.

Diane says: how do people usually laugh.

I say: with relief. Like the joke made the thing lighter and they're glad it's lighter. He laughs when something is genuinely funny and he doesn't laugh when something is a joke that's being used as something other than a joke.

Diane says: what's a joke being used as something other than a joke.

I say: you know what that is.

She says: I know what it is. I want you to say it.

I look at the ceiling.

I say: armor. He uses the word armor.

Diane says: he named it.

I say: twice now. Tonight was the second time.

She says: and you.

I say: I noted it.

She says: yes. I know you noted it. How do you feel about it.

I look at the ceiling for a long time.

I say: the case is going very well.

Diane says: good night, Mara.

I say: good night, Diane.

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*Scene Five — The Hard Questions*

Monday of week three: the hard questions.

He said he was saving them. He has decided I am ready.

He sits across the table and says: tell me about the error in your 2021 paper.

I say: which error.

He says: the one that required the correction published in March 2022.

I say: that was a transcription error in one figure. The underlying data was correct. The correction changed nothing about the conclusions.

He says: the defense will characterize it as a fundamental methodological error.

I say: it was a transcription error in one figure.

He says: can you say that under cross-examination without becoming defensive.

I say: I can say it accurately without becoming defensive because it's accurate.

He says: say it to me the way you'd say it under cross-examination.

I say: the error identified in the 2021 paper was a transcription error in Figure 4 — a label inversion that did not affect the underlying data or the paper's conclusions. The data from which Figure 4 was derived is available in the supplementary materials and has been independently reviewed and replicated by three other research groups.

He says: good.

He says: now the follow-up. Isn't it true that a scientist who makes this kind of error is not paying sufficient attention to their own data.

I say: it's true that the error occurred. It's also true that the correction process — in which the error was identified by peer reviewers before the paper had circulated for three months — demonstrates the rigorous scrutiny that scientific publication requires. The error was found because the system is designed to find errors. That is the system

working correctly.

He says: that's very good.

He says: you handled that the way I hoped you would.

I say: were you worried I wouldn't.

He says: I was curious whether you'd get defensive about it.

I say: I don't get defensive about data.

He says: I know. I wanted you to know you know that about yourself.

I look at him.

I think: I wanted you to know you know.

A person who prepared a hard question not to find a weakness but to confirm a strength. Not to test me — to let me demonstrate to myself something I already had.

I make a joke about epistemological recursion.

He writes something down.

I think: I made the joke at the moment when I could have said thank you.

I think: this is becoming a pattern I can see.

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*Scene Six — He Doesn't Let The Armor Land*

End of week three, Friday: late, the conference room in its end-of-day quality.

We are finishing.

He says: I want to tell you something.

I say: is it about the attribution model.

He says: no.

I wait.

He says: I have been doing climate litigation for fifteen years. I have worked with perhaps thirty scientific experts in that time. You are the

best I have worked with.

He says it directly. One sentence. No qualifications, no however, no while acknowledging the limited sample size.

I say: are you sure you don't want to add a caveat about sample size and selection bias in your expert witness pool.

He looks at me.

He says: no. I said what I said.

I say: then I accept it, with the caveat that your assessment is probably influenced by confirmation bias given three weeks of close collaboration, and proximity creates familiarity, and familiarity creates favorable impressions, and —

He says: Mara.

He says my name the way you say a person's name when you want the person rather than the performance of the person. Not a greeting. Not an identifier. A request.

I stop.

He says: I said what I said.

I look at the table.

I say: I know.

I say: thank you.

He says: you're welcome.

He goes back to his notes.

I sit with I said what I said.

I sit with what it feels like when someone does not let the armor do its job.

The armor was ready. The joke was specific and accurate and would have made the moment lighter and kept us at the distance I am accustomed to.

He did not let the moment become lighter.

He held it.

I think: no one has ever held the moment like that.

I think: I don't know what to do with a person who holds the moment.

I think about this for a moment.

Then I pack up my laptop.

I say good night.

I go back to the hotel.

The DC November outside.

The six blocks if I were walking home.

I am not walking home. I am walking to a hotel.

I think about the distance between hotel and home.

I think about the armor and what it keeps out.

I think about I said what I said held in the air after I tried to move it and it didn't move.

I go to the hotel.

I sit on the edge of the bed.

I think.

# The Evidence

## Chapter Four — The Same Register

### *Scene One — The Morning Data*

Week four, Monday: he is at the conference table when I arrive.

Not unusual anymore — we are both before-eight people and the before-eight belongs to us now in the specific way that time belongs to two people when it has sorted itself into their keeping without being claimed.

But this morning he has something I didn't bring.

A printed dataset on the table, a legal pad beside it with notes in his handwriting. Something he pulled from the federal climate monitoring database. I can tell from the headers — the specific header format of the NOAA records archive.

He says: look at this.

I look at the dataset.

Historical sea surface temperature measurements, Gulf of Mexico, 1980 to present, from a monitoring station I have been using as a secondary reference in the attribution model.

And an anomaly. September 2017, a step change in the data that I have not noticed.

I say: the 2017 data.

He says: yes. Hurricane Harvey made landfall in late August. The storm disrupted the monitoring station's calibration for approximately six weeks. The September data may be unreliable.

I say: if I used the September 2017 data in any attribution calculation —

I open my laptop.

I check.

I have not used September 2017. The data gap falls outside the specific measurement period I drew from.

I say: it doesn't affect the model.

He says: good.

I say: how did you find this.

He says: I've been reading the supplementary data sections of your supporting publications.

I look at him.

He has been reading the supplementary data sections.

Not the abstracts. Not the conclusions. The supplementary data — the part of a scientific publication that contains the underlying methodology, the raw numbers, the specific technical documentation that most readers, including most attorneys, do not access because the conclusions are sufficient for their purposes.

I say: you read the supplementary data sections.

He says: supplementary data is where the interesting things are.

I say: I have been telling atmospheric science graduate students this exact thing for ten years and approximately forty percent of them have believed me.

He says: they're wrong not to believe you.

I say: yes. They are.

He says: the interesting things are in the supplementary data. And in the footnotes. Same principle.

I say: you read footnotes too.

He says: always.

I look at him across the conference table.

I think: he reads the supplementary data sections.

I think: I have never met an attorney who reads the supplementary data sections.

I think: the interesting things are in the supplementary data. Yes. He knows that. He knows it the way I know it.

I think about what it means to be in the same register as another person — when the assumptions you don't bother to state are the same assumptions they don't bother to state.

I look at my laptop.

I open the attribution model.

I work.

...

### *Scene Two — The Argument Structure*

Tuesday: his full trial argument structure for my scientific review.

I have seen sections of it in pieces. This is the whole — the opening statement, the evidentiary presentation order, the expert witness sequence, the anticipated cross-examination responses, the closing argument's logical architecture.

It is excellent.

I have reviewed a great deal of climate science evidence in legal argument over the past eight years and I know what good looks like and this is significantly better than good.

I tell him this.

He says: where is it wrong.

I say: I didn't say it was wrong.

He says: where is it imprecise.

I say: slide eight. The phrase "unprecedented warming" is scientifically imprecise. The warming is outside the natural variability range we have documented in the instrumental record, but "unprecedented" implies no previous occurrence in Earth history, which is incorrect on geological timescales. Correct language: "outside the

range of natural variability in the instrumental record."

He says: eleven words instead of two.

I say: eleven words instead of two days of cross-examination about geological timescales.

He says: the eleven words it is.

He makes the change.

He says: what else.

I say: slide twenty-three. You say the defendants' emissions are "responsible for" a percentage of the warming. The attribution model shows they are "attributable to" that percentage. Responsible implies intent. Attributable is neutral. The science establishes causation, not intent.

He says: the law will establish intent if the plaintiffs can. The science establishes causation.

I say: different instruments for different work.

He says: exactly.

He looks at me.

He says: you're good at the argument. Not just the data — the argument.

I say: I'm good at data.

He says: the data is the medium. You're good at the argument that the data makes.

I look at the argument structure spread across the table.

I think: the argument that the data makes.

I think: fourteen years and no one has said that to me. I have been in the data. He sees me in the argument.

The joke arrives — something about data and argument and the boundary between them.

I do not make it.

I say: thank you.

He says: it's an accurate observation.

I say: I know. Thank you anyway.

He goes back to the structure.

I sit with the thank you I said without the joke.

It is smaller than I expected. The staying in the real thing without the joke. The smallness is the interesting part.

...

*Scene Three — The Judge*

Wednesday: preparation for Judge Kwon's specific approach.

He has appeared before her twice. He knows the texture of her attention — what she asks for, what she will not tolerate, the specific signals that distinguish received from still-waiting.

He describes her to me with precision. Then he says: she is going to find you credible.

I say: judges evaluate expert witnesses. They don't find them credible or incredible in advance.

He says: Judge Kwon will find you credible because you follow the argument wherever it goes and she will be able to see that you do. You're not performing expertise. You're interested in the truth of the matter and she can tell the difference.

I say: you can tell the difference too.

He says: yes. Most expert witnesses are performing expertise. You're not.

I say: I'm performing something. Everyone performs something.

He says: yes. But what you're performing is the actual work. The performance and the substance are the same thing. That's not nothing.

I look at the table.

I think: the performance and the substance are the same thing.

I think: he has been paying enough attention to distinguish between the two in me.

I think: I am not sure anyone has distinguished between the two in me before.

I think: the armor is a performance. The work is substance. And he has been separating them for three weeks.

I say: thank you.

He says: you say thank you differently than you used to.

I say: what do you mean.

He says: the first few times I said something true you deflected and then said thank you. Now you say it first.

I look at the table.

I say: I've been practicing.

He says: yes. I've noticed.

He says it with the quality of a person who has been noticing and is glad about what he has noticed.

...

*Scene Four — Working Dinner Number Four*

Thursday: the fourth working dinner.

Small restaurant. Not loud. The window table, the November DC night visible.

The work: we finish the evidentiary presentation order. Clean, done, the scientific foundation of the case fully established.

Then the transition.

He says: your parents' divorce. You said the weather book was a response to that.

I say: yes. The chaos of the family had no mechanism. The weather had a mechanism. The mechanism was comforting.

He says: is it still comforting.

I say: the mechanism is always there. Whether I find it comforting depends on — I find it reliable. Reliable is close to comforting.

He says: what would be more comforting than reliable.

I look at my wine.

I say: things that don't require a mechanism to make sense. But those are rarer and I don't have significant data on them.

He says: you added the data joke to the honest part.

I say: I was answering honestly.

He says: yes. And then you added the joke to the honest part to give yourself somewhere to go.

I look at my wine.

He says: what would be more comforting than reliable.

I say: the question assumes I know what I'm looking for.

He says: don't you.

I say: possibly.

He says: what is it.

I look at the wine.

The restaurant around us. The window. The November night.

I say: I think what would be more comforting than reliable is being in a room with someone where I don't need to manage the distance.

He says: and do you.

I say: right now.

I say: I don't think I do. Right now.

He looks at me.

He says: no. I don't think you do either.

We look at each other across the table in the small restaurant that is not loud.

I think: I said that.

I think: I said that without the joke.

I think: the joke was available and I didn't make it.

I think: he is looking at me the way a person looks at you when they have been waiting for you to say the real thing.

...

*Scene Five — What He Tells Her*

He says: I'll tell you mine.

I say: yes.

He says: the 2011 hearing room. I've been thinking about what I didn't tell you.

I say: tell me.

He says: I said I chose to make the better argument. That's true. What I didn't say is that I almost didn't choose it.

He says: I was in the hearing room and I could see the better argument and I could also see twelve reasons the better argument was risky. If I committed to the better argument and lost on those grounds, I had committed to a losing position when a less committed position might have preserved something. The more qualified position was safer.

He says: I stood there for about thirty seconds.

He says: and then I chose.

He says: not because the twelve reasons went away. They were still there. But I decided that the argument I actually believed was more important than my ability to see its weaknesses.

He says: I have been deciding that ever since. With varying degrees of success.

I say: the deposition prep where you argued against yourself for four minutes.

He says: yes. That was the varying.

I say: and now.

He says: and now I am trying to decide it in more contexts.

He says: with more things.

He says it looking at me.

I look at my wine.

I think: with more things.

I think: he is telling me he is applying the methodology to more than legal argument.

I think: the joke is available. The joke about confidence intervals and personal decisions.

I look at my wine.

I do not make the joke.

I say: how is that going.

He says: uncomfortable. Correct.

I say: yes.

I say: both of those.

...

*Scene Six — The Almost*

Walking back from dinner.

The four blocks from the restaurant to the office building, the DC November around us, the conversation continuing the way our conversations continue — through changes of location without requiring the location to change the conversation.

At the building's entrance he stops.

He says: I want to ask you something.

I say: ask.

He says: the case is in —

He stops.

He starts again.

He says: after the case is resolved, I want to — I think the work we've been doing has been — and the collaboration has had a quality that I think —

He is doing it.

I can see it happening — the qualification arriving, the other side being found, the commitment being pulled back from the edge.

I watch him qualify his own question.

I think: he knows he is doing it. He can see himself doing it. He cannot stop.

He says: I'm doing it again.

I say: yes.

He says: give me a moment.

He takes the moment.

He says: after the case I would like to have dinner. Not a working dinner. Dinner.

He says it without qualification.

He holds it.

I say: yes.

I say it before the joke arrives — the joke about the evidentiary standard for dinner proposals, the joke about confidence intervals, the joke about the sample size of dinners in our data set.

The joke arrives.

I say yes first.

He says: good.

He goes inside.

I stand outside the building for a moment.

The DC November.

I think: he asked without the other side.

I think: I said yes without the joke.

I think: both of those things happened.

I think: we are both practicing.

I go inside.

# The Evidence

## Chapter Five — The Rival

### *Scene One — Priya's Review*

Week four continues: Priya for a full case review.

She arrives Thursday afternoon with the specific competence of someone who has been following this case's development and wants to confirm that the development is tracking correctly. She reviews efficiently — the evidentiary presentation, the argument structure, the storm intensification lead.

She has two questions about the attribution model. Both are good questions. I answer them and she nods in the specific way of a person who already understood the answer and was confirming that I understood it too.

Then she sits with Jonas to review the argument structure.

I am at my end of the table.

I am reviewing my own notes.

I am watching Priya review the argument structure with Jonas.

She is good at her job. This is not the thing I am noting. I am noting that she is easy — the specific ease of a person who is interested in someone and does not manage the interest into something else. She is interested in him and the interest is just present, visible, without a wrapper around it. She leans slightly toward him when he speaks. She touches her pen to the table near his hand — not touching his hand, near it, the proximity of someone who is comfortable with proximity.

He responds to her with the warmth he has for people he likes.

He likes her.

I look at my notes.

I think: she is doing the thing.

The thing is being present without armor. The thing is interest expressed directly rather than expressed through a performance that keeps the interest at a manageable distance.

I look at my notes.

I make a note about the attribution model that I have already made twice.

...

*Scene Two — After Priya Leaves*

After the review: Priya gone, the conference room back to its two-person quality.

He says: where did you go this afternoon.

I say: I was here.

He says: you were somewhere else.

I say: I was reviewing my notes.

He says: you made the same note four times.

I look at my notepad.

He is right. Four times, four slightly different formulations of the same attribution model note.

I say: I was working through the implications.

He says: for ninety minutes.

I say: it's a nuanced implication.

He looks at me.

He says: Priya is a good attorney and a good person.

I say: yes. Both evident.

He says: she has been interested in me for about two years. I know this because she told me. She is direct. It's something I respect about her.

I say: and.

He says: and I am not interested in that direction.

He says it without the other side. No however. No it should be noted. No while acknowledging that she is excellent.

I am not interested in that direction.

One sentence.

I say: you said that without qualification.

He says: I practiced the specific one.

I say: how long.

He says: since last week. When I understood that I was going to need to say it clearly rather than let the ambiguity persist.

I say: you saw the ambiguity.

He says: yes. I knew it was there and I let it persist because removing it required commitment. And then I decided that the position I actually hold is more important than my comfort with the ambiguity.

I look at the table.

I think: the position he actually holds.

I think: he is practicing telling me what position he holds.

I think: I am not making a joke about this.

I say: I noted it.

He says: good.

He goes back to his yellow pad.

I look at my notepad.

I cross out the four identical notes.

...

### *Scene Three — The Cross-Examination*

Monday of week five: the full deposition simulation.

Two hours. Every angle. He runs me through the complete cross-examination that the defense team will conduct, built from his

fifteen years of climate litigation and his specific knowledge of this defense team's methodology.

It is genuinely hard.

He is relentless in the specific way of someone who is being relentless on purpose, who understands that the relentlessness of the simulation is what makes the actual cross-examination manageable, because the actual cross-examination will not be harder than what I am doing now.

At ninety minutes I make a joke.

A specific, accurate, genuinely funny observation about the relationship between the cross-examination process and scientific peer review — the ways they are structurally similar and the way peer review is significantly more civil.

He does not stop.

He says: answer the question.

I say: I was answering it.

He says: you deflected and then you planned to answer it. Answer it now without the deflection.

I answer it.

He moves to the next question.

At the end of two hours he says: that was very good.

I say: the last forty minutes were harder than any deposition I've actually been in.

He says: the defense team is excellent. I prepared for their strongest version.

I say: you prepared their strongest version by arguing against yourself until you found it.

He says: yes. It's useful when I can aim it at the defense rather than at my own case.

I say: a tool when aimed correctly.

He says: yes.

He says: you didn't use the armor during the cross-examination. You used it once and I redirected you and you came back.

I say: you didn't let me use it.

He says: I don't let it work in a deposition simulation. The armor is useful in some contexts. This isn't one of them.

I say: you think there are useful contexts.

He says: I think it was useful when you were eleven. I think it has served real purposes.

He says: I also think some purposes have been served long enough.

I look at the conference table.

I say: that is — yes.

He says: yes.

He goes back to his notes.

I sit with: some purposes have been served long enough.

I sit with the specific precision of that.

...

*Scene Four — Theo Again*

Tuesday lunch: Theo with sandwiches.

He sits down, distributes the sandwiches, and looks at Jonas with the look.

He says: the deposition simulation went well.

Jonas says: yes.

Theo says: she held up under two hours.

I say: I am sitting here.

He says: I know. Did you hold up.

I say: yes.

He says: he's hard to hold up under when he's on the other side.

I say: I noticed.

Theo says: he prepares the other side until he knows it as well as his own case. Then he can argue from it. Most people can't switch that fast.

I say: I know. He told me about moot court.

Theo looks at Jonas.

He says: he told you about moot court.

Jonas says: it was contextually relevant.

Theo says: he's never told anyone about moot court.

Jonas says: you know about moot court.

Theo says: I know because you argued against yourself during our first trial preparation seven years ago and I asked what happened and you told me. You didn't volunteer it.

He looks at me.

He looks at Jonas.

He says: he volunteered it.

He finishes his sandwich with the specific efficiency of a person who has said what he came to say.

He says: good case.

He goes.

I think about: he volunteered it.

I think about the moot court story told across the fourth working dinner while I did not make the confidence interval joke.

I think: we have both been volunteering things.

I think: that is what this has been.

...

*Scene Five — The Walk*

Wednesday evening: we work late, walk out together.

The DC November evening. Cold. The government buildings lit.

He says: I want to tell you something.

I say: tell me.

He says: I argued against this dinner for three weeks.

He says it like that — directly, without prologue.

I say: the dinner you asked for.

He says: yes. I found twelve reasons it was a bad idea. The professional relationship, the case timeline, the fact that you're in Boston and I'm in Washington, the potential for — I found twelve reasons.

I say: tell me the strongest one.

He says: that the professional relationship is the most significant climate litigation I've been involved in and introducing a personal element creates a potential conflict of —

He stops.

He says: see. I'm doing it right now.

I say: yes.

He says: I asked anyway.

I say: yes.

He says: without the other side.

I say: with a pause but without the other side.

He says: progress.

I say: significant progress.

He says: and you.

I say: what about me.

He says: you said yes. Without the joke.

I say: there was a pause.

He says: there is always a pause with you. The pause is the armor considering its options.

I say: that's very precise.

He says: I've been paying attention for five weeks.

We walk.

The DC evening.

I think: the armor considering its options.

I think: he has a name for the pause.

I think: he has been watching the pause for five weeks and he knows what it is.

I think: I am walking through DC in November with someone who has been watching the pause for five weeks and knows what it is and asked for dinner anyway.

I think: that is data.

I think: the data shows something.

...

*Scene Six — The Priya Question*

Thursday: Priya calls Jonas.

The call is professional — three minutes, the settlement timeline for a different matter, efficient. He takes it standing at the conference room window, his back to the room.

I am at my laptop.

I am looking at my laptop.

I am listening with the part of my attention I have given to the question of what his professional life sounds like when he is not in this conference room with me.

He hangs up.

He says: she also invited me to dinner Saturday.

I look at my laptop.

He says: I told her I had plans.

I look at my laptop.

He says: I do now.

I look up.

He says: Mara.

He says my name with the attention.

He says: I didn't qualify that.

I say: no. You didn't.

He says: I'm trying a thing.

I say: how is the thing going.

He says: uncomfortable. Correct.

He says it with the slight smile — the real one, the brief one, the one that arrives before he expects it.

I say: yes. Both of those.

I say it and I stay in it.

I do not make the joke.

He goes back to his notes.

I look at my laptop.

I think: he said I have plans.

I think: he said it and then he said I do now.

I think: two sentences without the other side.

I think: he is getting better at this.

I think: so am I.

# The Evidence

## Chapter Six — The Deadline

### *Scene One — The Pressure*

Week five, Monday: trial in two weeks.

The pressure in the conference room has acquired a physical quality — the specific compression of a deadline that has moved from abstract to imminent, the way a significant deadline changes the character of the air in the room where the work is happening.

I have worked under deadline my entire career. Grant cycles. Publication schedules. Congressional testimony. I know how to be productive under the specific pressure of something significant approaching.

This pressure is different.

The data is good. The evidentiary record is the best I have built. The attribution model will hold up. The storm intensification lead is right. The scientific foundation is what it needs to be.

The pressure I am feeling is not about the science.

I make a joke about atmospheric pressure.

He writes something down.

I think: I am using the case as armor.

I stop moving my pen.

I think: I am using the professional urgency — which is real, the urgency is real — as a reason that the personal thing cannot be a priority right now. The professional stakes are high enough that personal considerations are appropriately suspended. This is not irrational. It is

also convenient.

I think: the armor has been very resourceful.

I look at the attribution model.

I work.

...

*Scene Two — The Expert Witness Prep*

Tuesday: direct examination preparation.

He runs the direct — the questions I will be asked on the stand, the questions designed to establish the evidentiary foundation before the defense gets to cross-examine.

The direct is different from the cross. The cross was pressure and angle and finding the weakness. The direct is establishment — here is what the witness knows, here is why the witness knows it, here is why the court should find the knowledge credible.

He asks the first question.

I answer.

He shapes the answer — not the content, the register. The eleven words instead of two. The attributable rather than responsible. The distinction between offering confidence and retreating to evidence.

He says: when you're on the stand, the judge is reading you as well as listening to you. The data is in the written record. What the testimony provides is the confidence that the data is what you say it is.

I say: the confidence.

He says: yes. Not certainty — certainty is for mathematics. Confidence is for testimony. The confidence that you have done this work carefully and honestly and will say so under oath.

I say: I have done this work carefully and honestly.

He says: say it to me like you'll say it on the stand.

I look at him.

I say: I have done this work carefully and honestly and the data supports the conclusions I have drawn.

He says: say it looking at me. Not at the table.

I look at him.

I say: I have done this work carefully and honestly and the data supports the conclusions I have drawn.

He says: like that. When the defense tries to make you uncertain, come back to that. Not the confidence interval. The confidence in the work.

I say: ninety-three point seven percent.

He says: yes. And also: I have done this work carefully and honestly. Those are different kinds of certainty.

I say: yes. Both true.

He says: both true.

He says: you're ready, Mara.

He says my name with the attention.

I say: for the testimony.

He says: yes.

He says: for the testimony.

He says it and he lets the limitation of what he said sit without expanding it.

I think: he is being precise about what he said and what he didn't say.

I think: the careful attorney.

I think: yes. And also something else.

...

*Scene Three — The Long Evening*

Wednesday: we work until eleven.

The specific exhaustion of week five — the sustained concentration over a sustained period, the body's accounting of what that costs.

At eleven I say: that's as far as I can go tonight.

He says: yes. Me too.

We pack up.

The conference room in its end-of-day state — the papers, the bags, the coffee cups that are the day's evidence.

He says: you're ready.

I say: for the testimony.

He says: yes. You've been ready for a week. The last week of preparation has been —

He stops.

He looks at the table.

He says: I've been using the preparation as a reason to keep working together.

He says it and looks at me with the expression of a man who has just said something unqualified and is aware of it.

I say: using the preparation as a reason.

He says: yes.

I say: that's a kind of armor.

He says: yes. I noticed.

I say: we're both doing it.

He says: yes.

He says: the case as the reason.

I say: the professional stakes as the justification.

He says: yes. For what.

I say: for not addressing whatever this is.

He says: yes. Whatever this is.

We look at each other across the packed-up conference room.

I think: he named it. Whatever this is. He named it without qualifying what it is or denying that it is.

The joke is available — something about undefined variables and evidentiary standards.

I say: the case is real.

He says: yes.

I say: the professional stakes are real.

He says: yes.

I say: and we've been using both as the reason.

He says: yes.

I say: I know I've been doing it.

He says: I know you know.

He says: I've been doing it too.

He says it without the other side.

I look at the table.

I say: dinner is Thursday.

He says: yes. Thursday.

He says it with the quality of a fact.

...

*Scene Four — Diane Again*

Thursday evening: Diane calls.

She has been timing these calls — she calls at the end of the week when she knows I have the most to report and the least inclination to call first.

She says: how's the case.

I tell her about the direct examination prep, the argument structure's finalization, the evidentiary record's completion.

She says: and Jonas Vela.

I say: he said he's been using the case preparation as a reason to keep working together.

Diane is quiet.

She says: he said that.

I say: directly. Without qualification.

She says: and you.

I say: I said we're both doing it.

She says: you named your own thing.

I say: yes.

She says: in front of him.

I say: yes.

She says: and then.

I say: and then I said dinner is Thursday and he said yes as a fact.

She says: you initiated.

I say: I restated the existing plan.

She says: Mara.

I say: I know. I initiated. Without a joke.

Diane is quiet again.

She says: the armor.

I say: the armor is present. The armor has been very resourceful.  
This week the armor has been using the professional stakes as a vehicle.

She says: but.

I say: but I can see it doing that. I know what it's doing.

She says: seeing it is different from stopping it.

I say: yes. I know.

She says: Thursday is in three days.

I say: yes.

She says: what are you going to do.

I say: I'm going to see what Thursday requires.

She says: and if Thursday requires the thing without the joke.

I say: I'm going to try to do that.

She says: try.

I say: yes.

She says: Mara.

I say: I know. Try is less than do. I know.

She says: I'm not criticizing the try. I'm noting it.

I say: yes.

She says: the try is how it starts.

I say: yes.

...

*Scene Five — The Hardest Question*

Friday of week five: he asks the hardest question.

Not from the defense simulation — from himself.

We are finishing the final preparation for the remainder of the trial, the sessions that will continue after I fly back to Boston the day after tomorrow.

He says: I have one more question.

I say: the case preparation is complete.

He says: this is a different question.

I wait.

He says: when the case is over — when the trial concludes — I want to know if you think it's possible for the armor to come down.

He says: not for a specific reason. I want to know if you believe it's possible.

He says: I'm asking because I have been in this conference room for five weeks and I have seen what the armor costs. Not in general — specifically. I have watched it cost you specific moments of being in a room with someone who is interested in you.

He says: I want to know if you think it's possible.

I look at the conference table.

I say: that's direct.

He says: yes. I practiced.

I say: how long.

He says: since Tuesday when I said I've been using the preparation as a reason and you said we're both doing it. That was the moment I understood I needed to ask the question directly.

I look at the table.

I say: the armor has been — it was built for a specific purpose when I was eleven years old and it has been working for that purpose ever since. The purpose was to keep everyone at the table. To make things light enough that no one left.

I say: but keeping everyone at the table at the right distance is not the same as being with anyone.

He says: no. It isn't.

I say: I think it's possible. That the armor can come down.

He says: for whom.

I look at him.

I say: for someone who doesn't let it work.

He says: I don't let it work.

I say: I've noticed.

He says: then we have a reasonable evidentiary basis.

I say: ninety-three point seven percent.

He says: yes.

He says: dinner is Thursday.

I say: yes.

He says it and I say it and neither of us qualifies what dinner means.

...

### *Scene Six — The Night Before Week Six*

Sunday evening: the last evening before the final trial preparation week.

I am in my hotel room reviewing the evidentiary record for what is not the first time tonight.

The data is good. I know the data is good. I have known this for six weeks.

I am reviewing the data because reviewing the data is what I do in the hours before something significant when I cannot stop my mind from moving and I need to give it something familiar to move through.

The something significant is not the trial.

The trial is in seven days.

Dinner is in six.

I close the evidentiary record.

I sit on the edge of the hotel bed.

I think about Thursday.

Not the logistics — what Thursday is. He asked for it without the other side three weeks ago and I said yes without the joke and we have been using the professional urgency as the reason to not address it and now the professional urgency is almost over and Thursday is in six days.

I think about the armor.

I think: the armor is available. The armor will be available on Thursday. The armor is very good at what it does.

I think: some purposes have been served long enough.

He said that.

I think about what it would mean for the purpose to have been served long enough.

I think: the purpose was to keep everyone at the table without anyone getting close enough to leave.

I think: if no one gets close enough to leave, no one leaves. And no one stays.

I think: I have been very well protected.

I think: I am thirty-six years old and I am very well protected and I am sitting alone on the edge of a hotel bed in Washington DC and dinner is in six days.

I think: the try is how it starts.

I close the laptop.

I go to sleep.

The alarm is at six.

The trial preparation begins at eight.

Thursday is in six days.

# The Evidence

## Chapter Seven — Trial

### *Scene One — Day One*

Monday: trial day one.

The federal courthouse has the architecture of an institution that takes itself seriously — high ceilings, marble floors, the specific weight of a building designed to convey that what happens here matters. I have been in federal courthouses before. They all have this quality. This one is larger.

I am in the gallery for the opening statements. My testimony is scheduled for day three.

He stands at the podium.

He says: your Honor, the plaintiffs will demonstrate through the testimony of expert witnesses and the documentary record that the defendants' emissions, over a period of forty years, have measurably and attributable contributed to the conditions that caused the documented damages this court will hear about over the next three weeks.

He says: we will do this through science. Through data. Through the testimony of one of the foremost atmospheric scientists in the country, Dr. Mara Ellison, whose work forms the evidentiary foundation of the plaintiffs' case.

He says: the science is not in dispute. The mechanism by which industrial emissions change atmospheric composition, which changes global temperature, which changes sea level and storm patterns, is understood with sufficient clarity to serve as the basis for legal causation. The defendants will not tell you the science is wrong. They

will tell you it is insufficient for legal purposes. We will demonstrate that it is sufficient.

He says it.

Without the other side.

No acknowledgment that the defendants have a point. No however. No while it is true that the attribution question involves uncertainty.

He committed to the position.

He said: we will demonstrate that it is sufficient.

One sentence. Declarative.

I sit in the gallery.

I think: he did the thing.

I think: he stood in front of a federal judge and said the thing without the other side.

I think about the 2011 hearing room. The thirty seconds. The choice.

I think: he has been practicing this choice for fifteen years.

I think: he is doing it now.

...

### *Scene Two — Testimony Day*

Wednesday: I am on the stand.

The witness stand in a federal courtroom has the specific quality of a place designed to make a person feel observed. You are observed. The judge, the attorneys on both sides, the gallery, the court reporter — everyone in the room is directed toward the witness stand. This is the design.

I have been in this position before. Depositions are a form of this. Congressional testimony is a form of this. I know how to be observed.

Jonas is at the plaintiff's table.

He asks me the first question.

I answer.

I answer for two hours.

Every answer is what it is supposed to be — the specific clarity of someone who has done the work carefully and honestly and says so under oath. I offer the confidence intervals, I don't retreat to them. I say attributable, not responsible. I give the eleven words.

At no point do I make a joke.

This is not because jokes are prohibited in federal testimony. It is because the testimony is serious and what I am offering is serious and the seriousness is not something I need to lighten. The armor is available. The armor is not required here.

The cross-examination: the defense attorney is excellent, exactly as he predicted. She finds six of the seven angles and creates two I haven't seen before. I answer each one. The 2021 correction offered as the system working correctly, not retreated to as a shield. The 2005 starting point explained as statistical significance, not selection.

The cross-examination ends.

Judge Kwon says: the witness may step down.

I step down.

I go to the gallery.

He is at the plaintiff's table.

He does not smile.

He nods.

The nod is single and brief and means: yes. That was it.

I sit.

I think: yes.

I think: the testimony was what it was supposed to be.

I think: I was ready. He knew I was ready. I was ready because he saved the hard questions for when I was ready.

I think about someone who calibrates that carefully.

...

*Scene Three — After Testimony*

Wednesday evening: trial day three ends.

He finds me in the courthouse corridor.

He says: that was excellent testimony.

I say: you prepared me.

He says: you were ready to be prepared. Those are different things.

I say: are they.

He says: yes. I can prepare anyone. I can only prepare to completion someone who is ready to receive the preparation.

I say: that sounds like something you say after a win.

He says: it's accurate after a win or a loss. It's just easier to hear after a win.

He says: how do you feel.

I say: I feel like I've spent five hours on the stand in a significant federal case and I am professionally satisfied and physically exhausted and —

I stop.

He says: and.

I say: and I have been here for five weeks and tomorrow the trial continues without me and I go back to Boston the day after tomorrow.

He says: yes.

I say: and dinner is Thursday.

He says: yes. Dinner is Thursday.

I say: okay.

He says: okay.

He goes back to the trial preparation room.

I stand in the corridor.

I think: I said and then I said dinner is Thursday without the joke and he said yes as a fact and we both said okay and that was the end of the conversation.

I think: that is a very short exchange for two people who are going to have dinner.

I think: the exchange was exactly what it needed to be.

...

*Scene Four — Trial Continues*

Thursday morning: trial day four.

I am not testifying. My role is complete.

I am in the gallery because the case matters and I want to see it through the day I can see and because — I am in the gallery because he is at the plaintiff's table and I want to watch him work.

He presents the storm intensification expert — a colleague of mine, excellent, the best storm researcher in the country. He runs the direct examination.

He runs it without arguing against himself.

He asks the questions, receives the answers, builds the evidentiary foundation the way the foundation was designed to be built — certainty first, context second. When the defense attempts to create uncertainty on cross-examination he does not give them the uncertainty they are looking for. He holds the position.

He holds it for two hours.

I watch him from the gallery.

I think: this is what the choice looks like after fifteen years of practice.

I think: the choice is not a single moment. The choice is every question, every answer, every time the other side comes up and he decides not to argue from it.

I think: he has been making this choice every day for fifteen years.

I think: he told me that at the working dinner. I chose. I decided. That's what I did.

I think: he practices what he says. He is doing it right now.

I think about practicing.

I think about what I have been practicing and whether I am ready to do the thing.

I think: tonight is dinner.

...

*Scene Five — The Last Day*

Thursday afternoon: the final preparation session for the remainder of the trial.

He is briefing me on the sessions that will continue after I return to Boston — the additional expert witnesses, the defense's case, the structure of the closing arguments.

I am listening.

At the end of the briefing he says: I want to say something.

I say: say it.

He says: the case is going well. The scientific foundation is the strongest I've worked with in fifteen years. The storm intensification lead was right. The attribution model has held up through everything the defense has tried.

He says: and working on this case with you has been — the professional partnership has been — I think the case is better because of the collaboration and I also think the collaboration has been more than the case.

He says: I think the collaboration has been more than the case.

He holds it.

No qualification.

No while it should be acknowledged.

Just: I think the collaboration has been more than the case.

I say: yes.

He says: yes.

He says: dinner is in four hours.

I say: yes.

He says: I'm going to finish some things. I'll meet you at the restaurant at seven.

I say: yes.

He goes back to the trial preparation room.

I sit in the conference room alone for a moment.

The conference room I have been in for five weeks.

The table, the chairs, the window with the DC street below.

I think: four hours.

I think: the professional work is done. The testimony is in the record. The evidentiary foundation is established.

I think: what remains is the dinner and what the dinner requires.

I think about what the dinner requires.

I think: he said more than the case without qualification.

I think: I said yes.

I think: the thing the dinner requires is for me to say the rest of it.

I think: I need to say the rest of it without the joke.

I think: this is what I have been working toward for five weeks.

I think: some purposes have been served long enough.

I go back to the hotel to change for dinner.

...

*Scene Six — Before Dinner*

The hotel room: four hours becomes three, becomes two, becomes one.

I sit on the edge of the bed.

I think about the dinner.

He will be at the restaurant already. He is always early. He will have the coffee ready if there is coffee.

I think about what the dinner is.

He asked for it three weeks ago without the other side. He said more than the case without qualification this afternoon. He has been making the choice — committing to the position, not arguing against himself — every day in the courtroom this week.

He has been practicing and he has been doing the thing.

I think about what I have been practicing.

I think about the moment in the fourth working dinner when I said I don't think I need to manage the distance right now and the moment when I said yes without the joke.

I think: I have been practicing.

I think: the practice is for the thing.

I think: the thing is the dinner.

I think about the armor.

The armor has been available every day for five weeks and it has done its work on the mornings when I needed it — when the professional stakes were high and the testimony was coming and the focus needed to be on the science. The armor is useful. It has served real purposes.

I think: some purposes have been served long enough.

I think about eleven years old.

The dinner table. The joke that kept everyone there. The joke that kept everyone at the specific distance that meant no one left and no one was really present.

I have been at the table for twenty-five years and I have been keeping everyone comfortable and I have been at a specific distance from everyone.

I think: the distance is the cost.

I think: the dinner is where I find out if I can pay a different cost.

I stand up.

I put on my coat.

I go to dinner.

# The Evidence

## Chapter Eight — The Dinner

### *Scene One — The Restaurant*

The restaurant is exactly the kind he has been choosing for five weeks.

Small. Not loud. The kind of place that is designed for the conversation rather than for the ambient performance of being somewhere notable. A window table, the November DC night visible through it, the street below with its specific evening quality of a city that has finished its working day and is in the particular interval between.

He is at the table when I arrive.

Not unusual.

He stands when he sees me.

He says: hello.

I say: hello.

He says: you look different.

I say: I left the conference room. It changes things.

He says: yes. I imagine it does.

We sit.

The menu. The wine. The beginning of the dinner that is not a working dinner — the specific ordinary beginning that does not have a professional agenda underneath it, which means there is nothing to begin with except the beginning itself.

I notice that I am waiting for the joke.

Not performing the wait — the actual awareness of the armor positioning itself, the specific readiness of something that has been on

duty for twenty-five years and knows when a situation requires it. This is a situation. The armor is ready.

I order the wine.

He says: the trial is going well.

I say: yes.

He says: the storm intensification expert was excellent today.

I say: she's the best in her field.

He says: the jury — Judge Kwon, in this case — is tracking the argument correctly.

I say: yes.

He says: I'm not talking about the case.

I say: I know.

He says: we agreed.

I say: we did.

We look at the menus.

The armor is ready.

I am not using it yet.

...

### *Scene Two — The Real Conversation*

After ordering: the conversation begins to move.

The direction it moves is not about the case. It is about everything adjacent — the work and what the work is for and the specific path that brought each of us to work that requires spending our careers establishing that harm is real and accountable.

He tells me about growing up in Albuquerque. His parents were both teachers. The specific quality of a childhood in a place where the sky is very large and the horizon is far away in all directions.

He says: I didn't understand that the sky being large was unusual until I left. When I went east for college the sky was smaller. Buildings,

trees, the specific compression of a place with more things in it. I had to adjust.

I say: what did you miss about it.

He says: the feeling that things could be very clear from a distance. When everything is small and close it's harder to see clearly.

I say: yes.

He says: tell me about the coast.

I tell him about Maine. The specific quality of a childhood near the ocean — the weather coming in from the water, the way the coast makes weather visible as something that arrives rather than something that simply is. Growing up near the ocean is growing up with the knowledge that conditions change and you can see them changing if you look at the right horizon.

He says: that's why you chose atmospheric chemistry.

I say: the mechanisms. The chaos has mechanisms and if you understand the mechanisms —

He says: the chaos makes sense.

I say: yes.

He says: and does it. Make sense.

I look at my wine.

I say: the atmospheric chemistry makes sense. Yes. The mechanism is always there.

He says: and the rest.

I say: the rest is — the rest has taken longer to develop reliable methodology for.

He says: tell me.

I look at my wine.

The armor is here.

The joke about methodology and interpersonal data sets is very good. I can feel its specific shape — the wording, the timing, the way it would land and make both of us laugh and give us somewhere comfortable to go.

I look at my wine.

I say: the rest is — I think I have been applying the atmospheric chemistry methodology to the rest. Which is to say I have been looking for the mechanism that makes the chaos make sense. And what I have found is that the mechanism for the rest is different.

He says: different how.

I say: atmospheric chemistry has mechanisms that work whether or not you're in them. The carbon cycle does not require my participation. The rest requires — being in it. The mechanism requires the being in.

He says: yes.

He says: yes, exactly.

He says it with the quality of someone who has been thinking the same thing from a different angle.

...

*Scene Three — What He Has Been Saying*

After the main course: the conversation has been going two hours.

I can feel that he has been building toward something. Not dramatically — the specific building of someone who has been thinking about what they want to say and has been moving through the earlier parts of the conversation with the later part in mind.

He says: I've been thinking about something for three weeks.

I say: tell me.

He says: the 2011 hearing room. The choice I told you about.

I say: yes.

He says: what I didn't tell you is that the choice required committing to a position I was ninety-three percent certain about. Not one hundred. Ninety-three.

I say: ninety-three point seven.

He says: ninety-three point seven. And I spent the first two years after that decision arguing against the seven percent. The other side has

a point. The commitment is risky. The less committed position is safer.

He says: and then I stopped.

I say: what made you stop.

He says: I lost a case I should have won because I gave the defense the seven percent they needed. I had argued against my own position so thoroughly in my preparation that I handed them the argument.

He says: after that I decided that the seven percent is always going to be there. The question is not whether it's there. The question is whether I let it argue.

He says: I've been letting it argue less.

He says: for specific things, I've been letting it argue less.

He says: I stopped letting it argue about the dinner three weeks ago.

I look at my wine.

He says: I stopped letting it argue about this.

He indicates — the small gesture, not dramatic, just indicating the space between us at the table, the thing the space between us contains.

He says: there is no other side of this that I want to argue.

He says it.

He holds it.

He does not qualify.

I look at my wine.

He is looking at me.

The restaurant around us — the candles, the window, the November night.

The armor is available.

The joke is very good.

...

*Scene Four — THE ALL IS LOST*

He has said the thing.

He is looking at me.

The armor is ready.

I can feel its specific mechanism — the joke forming, the exact observation that would make the moment lighter and move us to somewhere comfortable. The joke about confidence intervals and the plaintiff's burden of proof. It is accurate. It is genuinely funny. It would make him laugh — the real laugh, the brief one — and the laugh would dissolve the weight of the moment and we would be on the other side of it with the warmth of having laughed together and the distance intact.

I look at my wine.

The joke is: something about how he should be aware that the confidence interval on whatever I'm about to say is wider than ninety-three point seven percent because personal data sets have significantly higher noise than atmospheric monitoring data, and I cannot in good scientific conscience offer him a claim without the appropriate uncertainty bounds, and —

He says: Mara.

I look at him.

He says: I know there's a joke. Tell me the thing that's underneath it.

He says it the same way he said it in the deposition simulation — not a command, a request that the real thing be present.

I look at my wine.

I think about twenty-five years.

I think about the dinner table at eleven.

I think about everyone laughing and no one being present and me being very funny and very protected.

I think: some purposes have been served long enough.

He is looking at me.

He is not going to let the armor work.

He has never let the armor work.

He came back every morning. He saved the hard questions. He read the supplementary data sections. He asked for dinner without the other

side. He told me there is no other side of this he wants to argue.

He is looking at me and he is waiting and he is not going to let the armor work.

I say: the joke is about confidence intervals.

He says: yes.

I say: it's a very good joke.

He says: I know it is. Tell me the thing.

I look at my wine.

I look at him.

I say: I'll tell you.

...

*Scene Five — She Starts To Say It*

I say: when I was eleven and my parents were getting divorced I discovered that if I made a joke at the dinner table everyone laughed and for the duration of the laugh no one was unhappy about what was happening.

He says: yes.

I say: and I have been making that joke for twenty-five years. In different forms. In depositions and at conference tables and in the specific situation of being with someone who — who is genuine — and finding the genuine thing and being afraid that wanting it and saying so puts the want in a position to be wrong.

He says: afraid of being wrong about the want.

I say: afraid of being right about the want and then — and then doing the thing I do. Making it funny. And having the person walk away with the funny instead of the thing.

He says: yes.

I say: the joke has been very effective at making sure no one got close enough to leave. If no one gets close enough to leave, no one leaves.

He says: and no one stays.

I look at the table.

I say: yes.

I say: and no one stays.

He says: Mara.

I look at him.

He says: I have been in this conference room for five weeks. I have seen the armor work on every situation you encountered except the situations where I didn't let it. I have watched you be the most genuinely funny person in the room and the most precise and the most certain about the data and uncertain about almost everything else in the same radius.

He says: I have found all of it — the humor and the precision and the uncertainty — I have found all of it to be the most interesting set of things I have been in the presence of in fifteen years of conference rooms.

He says: and I am not arguing against that. I am not finding the other side. I am telling you what I have found.

I look at the window.

I say: that is —

I stop.

He says: yes.

I say: I was going to make a joke.

He says: I know.

I say: I didn't.

He says: I know.

He says: tell me the rest.

...

*Scene Six — She Says It*

I say: the five weeks have not been only the case.

I say it to the table first.

He says: look at me.

I look at him.

I say: the five weeks have not been only the case. The case is the best scientific work I have done in my career. The evidentiary record is what it should be. I am satisfied with the case. And the five weeks have had a quality that the case does not explain.

I say: you have been the first person in a long time who did not let the joke be the whole thing. Who stopped and waited for the thing underneath. Who saved the hard questions. Who read the supplementary data sections.

He says: the interesting things are in the supplementary data.

I say: yes.

I say: you have been treating me like someone whose supplementary data is worth reading.

He says: it is.

I say: yes.

I say: and I have been using the case as the joke. The professional stakes as the reason that the personal stakes couldn't be addressed yet. The same mechanism, different form.

He says: yes.

I say: and I am telling you this without the joke because you have been asking me to tell you things without the joke for five weeks. You have been patient about the asking. You saved the hard questions. You committed to the position.

I say: I would like to not manage the distance.

I say: I would like the subsequent dinners.

I say: I am telling you this without the confidence interval joke and without the evidentiary standard joke and without the methodology joke, all of which were available and all of which I am not making.

I say: I am telling you directly.

He looks at me.

He says: yes.

He says it with the quality of a man who has received a fact and is receiving it completely.

He says: yes.

The restaurant around us.

The candles lower now.

The November night through the window.

He says: thank you for saying it.

I say: thank you for waiting for me to say it.

He says: I would have waited longer.

I say: I know.

I say: that is the specific thing that made it possible to say.

He says: the evidence.

I say: the strong signal.

He says: yes.

The restaurant.

The November night.

The dinner that is not working.

We are in it.

# The Evidence

## Chapter Nine — The Proof of Love

### *Scene One — After*

We sit with what has been said.

Not awkwardly — with the specific quality of two people who have arrived somewhere and are not rushing to leave it. The restaurant around us in its late-evening state, the other tables thinning, the candles at their lower stage.

He pours more wine.

He says: I want to tell you something.

I say: tell me.

He says: I argued against this dinner for three weeks. Found every legitimate reason. The professional relationship, the case, the distance between Boston and Washington, the timing — I found twelve reasons.

I say: you told me.

He says: the twelfth was that I wasn't certain you'd say the thing.

I say: you weren't certain.

He says: I was ninety-three point seven percent certain.

I say: and the remaining.

He says: was always going to be there. I decided not to let it argue.

I say: yes.

He says: how do you feel.

I say: I feel —

The joke is there. The specific joke about the confidence interval on feelings as a data type, about the noise-to-signal ratio in self-report data, about the epistemological challenges of introspection.

It is a very good joke.

I feel it arrive and I feel what is underneath it and I stay with what is underneath it.

I say: I feel like I have been carrying something for a long time and I put it down.

He says: yes.

I say: it's lighter than I expected.

He says: the armor.

I say: yes. The armor is heavier than the thing underneath.

He says: yes.

He says: that's always true.

I say: I didn't know that. I had not tested it.

He says: and now you have data.

I say: now I have data.

He says: what does it show.

I say: that the thing underneath is lighter. That the room is warmer than the distance.

He says: yes.

He says it with the quality of someone who has been in the room and is confirming the temperature.

...

*Scene Two — What He Says About Himself*

He says: I want to tell you something I haven't told anyone.

I say: tell me.

He says: I have been committed to this work for fifteen years. Genuinely committed — the cases matter, the outcomes matter, the

precedents that get set here will shape what is possible in climate accountability for decades.

He says: and I have been less committed to everything else in the same period. The work is where I commit. Outside the work I find the other side of every position I might take and I argue there until the position doesn't require commitment.

He says: relationships. The commitments that require you to hold a position when the other side is making its best case.

He says: I have been very good at finding the other side.

I say: you lost a case by finding the other side.

He says: yes.

He says: I have been losing the same case for fifteen years in smaller ways.

He says: I argued against this for three weeks and then I stopped.

He says: I want you to know that I stopped because I decided to stop. The twelve reasons are still there. They are all still legitimate concerns. I am not arguing from them.

He says: the position I actually hold is more important to me than my ability to see its weaknesses.

He says: that is the 2011 choice. I made the same choice again.

I say: about a dinner.

He says: about more than a dinner.

He says it without qualification.

He says: I want to be in the room. I want to be in the room you described — the room after the long conversation where both people have said what they needed to say. I have been at the edge of it for five weeks.

I say: so have I.

He says: yes.

He says: we were both at the edge.

I say: yes.

He says: and now.

I say: and now I said the thing and you received it and we're in it.

He says: yes.

He says: yes.

He says it twice.

The restaurant around us, quiet now, nearly empty, the candles doing what candles do at this stage of an evening in a room where something real has happened.

...

*Scene Three — The Proof*

Later: he says: I want to ask you something.

I say: ask.

He says: the armor — I'm not asking whether you're going to let it down. You're doing that.

He says: I want to know what you were protecting.

I look at the window.

I say: I was protecting myself from being wrong about the want.

He says: and if you are wrong.

I say: then I am wrong.

I say: but I have been doing atmospheric attribution work for fourteen years. I know the difference between a strong signal and a constructed one. I know when the data supports a conclusion and when I am building the conclusion I want from data that doesn't quite get there.

He says: and this data.

I say: this data is strong.

He says: tell me what it shows.

I say: the data shows that you save the hard questions for when I'm ready for them. That you read the supplementary data sections. That you came back every morning. That you made the coffee. That you asked for dinner without the other side. That you said there is no other side of this

you want to argue.

I say: the data shows someone who has been paying the specific kind of attention that changes things.

He says: what does the data conclude.

I say: that I want the subsequent dinners.

He says: yes.

He says: so do I.

He says it and holds it.

The proof is in the holding.

No qualification. No however. No it should be noted.

He holds the position.

I think: the proof of love is in what a person holds when they could let go.

He has been holding it for five weeks in the conference room. He held it in the courtroom this week. He is holding it now across a table in a restaurant that is almost empty and has candles that are almost gone.

The data shows what the data shows.

The conclusion holds.

...

*Scene Four — The Walk*

We walk after dinner.

No destination — the walk itself, the DC November night around us, the government buildings lit in the specific way of institutions that do not close even when the people who run them have gone home.

He says: the case continues for three weeks.

I say: yes.

He says: the expert witnesses through next week. Closing arguments after.

I say: yes.

He says: you'll be in Boston.

I say: yes.

He says: I'll call you.

He says it without the other side.

Not: I would like to call you, or: perhaps we could speak while the trial is ongoing, or: I'll reach out when there's something to discuss.

I'll call you.

I say: yes.

He says: and after the case.

I say: dinner again.

He says: not working.

I say: no. Not working.

He says: in Boston or Washington.

I say: yes.

He says: both.

I say: both.

We walk.

The DC November, the specific cold of a city that has been here a long time and knows what winter is.

I think: I said the thing.

I think: I stayed in the serious moment.

I think: the armor was there and I did not use it and the room is still standing.

I think: the room is still standing. I am in it. We are in it.

I think: lighter.

I think: considerably lighter than I expected.

...

*Scene Five — The Goodbye*

Outside the hotel.

He says: you're flying back tomorrow.

I say: early. Six AM.

He says: I'll call from the courthouse.

I say: I'll answer.

He says: Mara.

I look at him.

He says: thank you for coming to dinner.

I say: thank you for asking.

He says: thank you for not making the confidence interval joke.

I say: it was very good.

He says: yes. They always are.

I say: yes. They are.

He says: you're also very good at not making them when you don't need them.

I say: I'm getting better at knowing the difference.

He says: yes. You are.

He says: I'll call you.

He says it and goes.

I stand at the corner.

The November night.

I think: he'll call.

I think: he said it without the other side.

I think: I believe him.

I think: I believe him and I did not require a confidence interval before I believed him.

I think: that is new.

I go inside.

. . .

*Scene Six — The Morning*

Six AM: the airport.

The cab through the DC morning dark, the city beginning to wake around the highway, the specific pre-dawn quality of a city that is very large and is always in the process of becoming the day.

I call Diane.

She answers on the second ring.

She says: how was dinner.

I say: I said the thing.

Diane is quiet for a moment.

She says: the actual thing. Not a version of the thing.

I say: the actual thing. Not a joke. The thing.

She says: and.

I say: and it was lighter.

She says: lighter.

I say: I have been carrying the armor for twenty-five years, Diane. The armor is not light. And the thing underneath the armor — the actual thing, the want, the being present without the management — is lighter than the armor.

She says: yes.

She says: I know.

I say: I didn't know.

She says: I know you didn't. That's why you had to find out.

I say: yes.

She says: and him.

I say: he said there is no other side of this he wants to argue. He said it without qualification and then he held it.

She says: the strong signal.

I say: yes. The strong signal.

She says: what does the signal show.

I say: the data supports the conclusion.

She says: say the conclusion.

I look out the cab window at the DC morning.

I say: the conclusion is that I said the thing and he received it and we are going to have subsequent dinners and he is going to call from the courthouse and the case is the case and the rest is the rest and I am going back to Boston with data that supports a conclusion I have been afraid to draw for a very long time.

Diane says: that's the conclusion.

I say: yes.

She says: ninety-three point seven.

I say: plus or minus.

She says: good enough.

I say: yes.

She says: get on your plane.

I say: yes.

I get on my plane.

The DC morning below, then gone, then the clouds, then Boston in three hours.

The armor is available.

It is not currently required.

This is new.

This is the beginning of something.

# The Evidence

## Chapter Ten — The Calls

### *Scene One — The First Call*

I am at my spectrometer when he calls.

Monday, the week after the dinner — trial day six, the defense beginning its case. I am back in my Boston lab doing the work I do when I am not in a conference room in Washington, which is the atmospheric monitoring work, the data collection and processing and analysis that is the foundation of everything the evidentiary record is built from.

The spectrometer is running calibration checks. I am reviewing the output. My phone shows his name.

I answer.

He says: the defense's atmospheric modeling expert is not as strong as I prepared for.

I say: is that good or bad.

He says: good for the case. Unsatisfying for the preparation. I prepared for the strongest version of their argument and they brought a weaker version, which means the cross-examination will be easier than I built for.

I say: you're disappointed that the cross-examination won't be hard enough.

He says: I want to know the argument holds up against the best available challenge. A weaker challenge doesn't confirm the argument as thoroughly.

I say: that is a very specific quality of problem.

He says: it's a quality control concern.

I say: yes. The burden of having prepared too well.

He says: it happens.

I say: frequently, I imagine.

He says: less frequently than I'd like.

I say: there is a version of that sentence that is much simpler.

He says: yes. I could have said: rarely.

I say: you could have.

He says: I chose the longer version.

I say: I noticed.

He says: old habits.

I say: yes.

He says: how's Boston.

I tell him about the spectrometer calibration, the upper atmosphere data I've been tracking, an anomaly in the nitrogen cycle measurements I noticed this morning that I haven't had time to characterize yet.

He says: tell me about the anomaly.

I tell him.

He listens. He asks a question — a good one, the kind that requires me to think about the characterization rather than just describe it. He asks a follow-up.

The conversation has moved from the trial to the nitrogen anomaly in the specific way our conversations move — without a transition point, naturally, the way a conversation moves when both people are interested in all the things the conversation contains.

He says: I should get back to trial preparation.

I say: yes.

He says: I'll call tomorrow.

I say: I'll answer.

He says: good.

I put the phone down.

I look at the spectrometer output.

I think: we are still having the conversation.

I think: the conference room was the location. The conversation is the thing.

I go back to the nitrogen anomaly.

...

*Scene Two — The Three Weeks*

Three weeks, the way things happen in three weeks.

He calls most days. Not at scheduled times — from the courthouse corridor between sessions, from the preparation room in the evenings, from wherever he is when he has something to say or wants to know about the nitrogen anomaly, which he asks about with the specific persistence of someone who has decided the anomaly is interesting and will follow it until it resolves.

The trial proceeds. He sends me the daily summary — not required, I am not involved in the trial's continuation, he sends it because he knows I want to know.

I send him the nitrogen anomaly data as it develops.

We are in different cities doing different work and the conversation is continuous.

This is new.

Not new in the sense of unprecedented — I have had colleagues I talk to regularly, collaborators who become ongoing contacts. New in the sense of different from what I expected the thing to feel like. The conversation not being contained by the professional context. The conversation being the thing.

I think about the armor.

The armor is available.

I have not needed it in the way I used to need it.

When the data is interesting I tell him the data is interesting and the telling is not wrapped in anything. When the trial has a difficult day I receive that directly. When he calls from the courthouse corridor after a particularly effective cross-examination I can hear the satisfaction in his voice and I say: tell me what you did and he tells me and I follow the argument.

The distance is not being managed.

The distance is not a problem.

This is the thing I did not know about putting the armor down — that the thing it was protecting me from is not the thing I feared. The thing I feared was exposure, the specific exposure of wanting something and being wrong about it, being seen wanting and then being seen wrong.

What is actually happening is: conversation. The ongoing kind. The kind that does not require managing.

I go back to the nitrogen anomaly.

...

### *Scene Three — The Verdict Call*

Three weeks after the dinner: Friday afternoon.

I am in my office reviewing the nitrogen anomaly data — it has resolved into something interesting, a documented interaction between polar vortex disruption and lower stratosphere chemistry that has not been characterized in this specific form before. I am working on the paper.

My phone.

His name.

I answer before the second ring.

He says: we won.

I say: the verdict.

He says: Judge Kwon issued her opinion this afternoon. Full liability on eleven of the fourteen defendants. Forty-one billion dollars in damages. The attribution model was cited specifically and at length in the opinion. The storm intensification lead was cited as the evidentiary case's strongest element.

He says: the eleven words instead of two were in the opinion. She quoted the outside the range of natural variability language directly.

I say: she read it carefully.

He says: she read everything carefully. That's Judge Kwon.

He says: your testimony was cited as the most credible expert testimony the court received in any technical field.

He says it without qualification.

I say: we built it right.

He says: yes. We did.

A pause. The specific pause of two people who have been working toward something for five weeks and have arrived at it and are sitting with the arrival.

He says: the case is done.

I say: yes.

He says: dinner is next week.

I say: where.

He says: Boston. I'll fly up.

I say: I'll find the restaurant.

He says: not loud.

I say: I know what to find.

He says: Mara.

I say: yes.

He says: thank you for the data.

I say: thank you for the argument.

He says: different instruments.

I say: both needed.

He says: yes.

He says: next week.

I say: next week.

I put the phone down.

I sit in my office.

Outside the window: the Boston November, the specific quality of late November in Boston which is committed to its season in a way that DC November has not yet decided to be.

I think: we won.

I think: the attribution model held.

I think: the eleven words instead of two were in the opinion.

I think: next week.

...

*Scene Four — Diane At The Lab*

Monday: Diane in my office doorway.

She has read the verdict. It was national news — the largest climate liability case in history, the ruling cited in every major publication, the precedent discussed in terms of what it will make possible for the next decade of cases.

She says: the opinion cited the attribution model.

I say: yes.

She says: and your testimony specifically.

I say: yes.

She says: you're going to have more cases than you can do.

I say: yes. That's already happening.

She says: and Jonas Vela is coming to Boston next week.

I say: yes.

She says: for dinner.

I say: yes.

She says: not working.

I say: not working.

She looks at me.

She does the thing she does when she is looking at me to see something she already suspects.

She says: you look different.

I say: I had three weeks of normal lab hours. It changes things.

She says: that's not it.

I say: what is it.

She says: you look like someone who set something down and has not picked it back up.

I say: the armor.

She says: yes.

I say: it's available. I know where it is. I could pick it up.

She says: but.

I say: but I have not needed it in the way I used to need it for three weeks. When I talk to him I don't need it. He already knows it's there and he doesn't let it work and so it is — available but not required.

She says: available but not required.

I say: yes.

She says: that's a significant change from required.

I say: yes.

She says: good.

She says: that's good, Mara.

She goes back to the lab.

I sit in my office.

I think: available but not required.

I think: twenty-five years of required.

I think: the try is how it starts.

I think: it started.

...

*Scene Five — Thursday In Washington*

The settlement hearing for two of the remaining defendants: Thursday.

He asks me to be there. Not because my role requires it — the scientific testimony is complete — but because he wants me to see it conclude. I go.

The hearing: two defendants settling to terms, the specific legal ritual of a case moving toward resolution. He is precise and efficient, the settlement terms reviewed and approved, the judge satisfied with the specificity of the consent decree.

Outside the courthouse afterward:

He says: two down.

I say: one to go.

He says: the last one will take another six months.

I say: yes.

He says: it will be worth it.

I say: the damages settlement or the precedent.

He says: both. But the precedent more.

I say: yes. The attribution methodology being in the opinion changes what's possible.

He says: yes. That was your work.

I say: the argument was yours.

He says: the ours.

I say: yes.

He says: dinner is at seven.

I say: yes.

He says: not working.

I say: the case is almost done.

He says: the case was never the dinner.

I say: no. It wasn't.

He says: the dinner is the dinner.

I say: yes.

He says: good.

He goes back to his legal team.

I stand in the courthouse corridor.

The high ceilings. The marble. The weight of the institution around me.

I think: the case was never the dinner.

I think: I know that now. I have known it for three weeks.

I think: knowing it and being able to say it are different.

I think: I can say it.

...

*Scene Six — The Dinner Again*

The restaurant: his choice, a Washington place he has been going to for years, small, not loud.

We work through no agenda.

He says: the settlement.

I say: two out of three.

He says: the third will come. The evidence is unambiguous.

I say: in law, unambiguous evidence doesn't always produce the expected conclusion.

He says: in this case it will. I know this defense team. They know the opinion will make their remaining position harder to hold.

I say: you're confident.

He says: I'm committed to the position.

I say: that's different from confident.

He says: yes. More durable.

We eat.

The conversation moves.

Then he says: I want to tell you something.

I look at him.

He says: I have been in Washington for fifteen years. I have built something here. The firm, the practice, the cases. And I have been thinking for the past three weeks —

He pauses.

Not the qualifying pause. The choosing-the-words pause.

He says: I am not attached to the location.

He says: the work is the work wherever I am. The work is what I am committed to, not the geography of doing it.

He says: I am telling you this without knowing what you will do with it. I am not making a case. I am giving you the information.

He says: the evidence.

I look at the table.

I say: I have a lab in Boston.

He says: I know.

I say: the lab is —

He says: I know what the lab is. It's where the interesting things are. The supplementary data.

I say: yes.

He says: I'm not asking you to do anything with what I told you. I'm telling you so that the information is in the record.

He says: evidence goes in the record even if it's not yet part of the argument.

I look at him.

I say: I received it.

He says: good.

We eat.

I think: he put the evidence in the record.

I think: the evidence shows what the evidence shows.

I think: the conclusion is forthcoming.

I look at the dinner table.

I think: I know what the conclusion is.

I think: I am going to say it when I am ready to say it.

I think: I am becoming ready.

# The Evidence

## Chapter Eleven — The Evidence

### *Scene One — The Lab In January*

January: Boston.

My lab at seven in the morning. The specific quality of a research laboratory in January — the equipment running in the cold building, the data collecting, the particular smell of a space where precise work happens and the precision is ongoing and never quite done.

The nitrogen anomaly paper is submitted. Three weeks ago I sent it — three years of atmospheric monitoring data and one very specific finding about the interaction between polar vortex disruption and lower stratosphere chemistry, documented in enough detail that the reviewers will know exactly what to do with it.

I am now building the data collection for the next attribution model. Three cases are waiting. The Eastshore verdict opened a door and cases are moving through it.

He calls at eight-fifteen.

Not the scheduled call — the eight-fifteen-ish call, the one that happens most mornings now, the specific regularity of something that has become what happens without being declared.

He says: good morning.

I say: good morning.

He says: the nitrogen paper.

I say: submitted three weeks ago. Still in review.

He says: the journal will take their time. It's unusual work.

I say: it will take as long as it takes.

He says: yes. Some things take the time they take.

He says: the next attribution model.

I tell him about the data collection structure — the specific measurements the next case will need, where the methodology needs to be stronger than it was for Eastshore, the refinements the Eastshore cross-examination revealed were worth making.

He listens. He asks the question that finds the weak point in the collection design — he always finds the weak point, not to challenge the design but to strengthen it before anyone else finds it.

I adjust the design based on the question.

He says: that's better.

I say: yes.

He says: I'll call you tomorrow.

I say: yes.

He says: good morning, Mara.

I say: good morning.

I put the phone down.

I look at the revised data collection design.

I think: he found the weak point.

I think: that is what he does.

I think: he finds the weak point not to use it but to close it.

I go back to work.

...

*Scene Two — Priya's Case*

A conference call: the Eastshore settlement discussions for the final defendant.

He is on the call. I am on as scientific advisor. Priya is on.

She reviews the remaining defendant's position efficiently, the specific competence of someone who knows this case from the beginning and is tracking its final phase.

He responds with precision.

The call is professional and moves quickly.

At the end Priya says: Dr. Ellison, the Eastshore attribution methodology is being cited in three new federal cases. You'll be hearing from plaintiffs' teams.

I say: I'm already hearing from them.

She says: good. The methodology needs someone who understands it the way you do to be the expert in those cases.

She says: the Eastshore model is going to be the foundation of climate liability work for the next decade.

I say: that was the goal.

She says: it was well executed. Both of you.

She hangs up.

He says: she's right about the methodology.

I say: yes. The model held up.

He says: are you ready for more cases.

I say: the data is ready. I'll be ready.

He says: good.

He says: dinner Friday.

I say: Boston or Washington.

He says: Washington. The final defendant's settlement conference is Thursday. I'll be here.

I say: I'll fly down.

He says: yes.

He says it with the quality of a settled fact.

I put the phone down.

I think: Priya said both of you.

I think: the ours, acknowledged by someone outside it.

I think: the ours has an outside now. It is legible from the outside.  
This is new information.  
I file it.

...

*Scene Three — Diane*

Friday morning: Diane in my office with two coffees.

She hands me one without asking.

She says: you're flying to Washington.

I say: yes. The settlement conference is Thursday and then Friday.

She says: and.

I say: and dinner.

She says: how many dinners since November.

I say: I know how many.

She says: say it out loud.

I say: several. Regular calls. A trip to Washington for the settlement conference in December. A trip to Boston for —

She says: for what.

I say: for a walk along the harbor.

Diane says: he came to Boston to walk along the harbor.

I say: yes.

She says: in November. In the cold.

I say: yes.

She says: Mara.

I say: I know.

She says: have you made a joke about him to me since November.

I stop.

I think about this carefully.

I say: I made a joke about the conference call format once. But not about him.

She says: three months. You've been talking about him for three months without the armor.

I say: yes.

She says: how does that feel.

I say: it feels like the armor is available and I know where it is and I am not currently using it.

She says: that's how it feels to not use it.

I say: yes.

She says: three months.

I say: yes.

She says: bring him to the lab sometime.

I say: why.

She says: I want to meet the person who reads supplementary data sections.

I say: Diane.

She says: it's a reasonable request.

I say: it is a reasonable request.

She drinks her coffee.

She says: the armor, Mara. Three months without.

I say: available but not required.

She says: that's the evidence.

I say: yes.

She says: go to Washington.

I say: yes.

...

*Scene Four — The Washington Dinner*

Friday: the restaurant in Washington.

His choice: a specific place he has been going to for years, the kind of place that knows what it is and has been it for long enough that being it requires no effort.

We order.

The wine.

The beginning of the dinner that is not working.

He says: the settlement conference.

I say: the final defendant.

He says: they're going to settle. I think they've known since the opinion came down. They held out this long because the other defendants were covering their share of the legal costs and once those defendants settled, the final defendant's calculus changed.

I say: how long.

He says: six months. Maybe four if they move quickly. The evidence is unambiguous.

I say: you said that about the third defendant in November.

He says: I was right in November too. I said six months and it was four.

I say: committed to the position.

He says: committed to the position.

We eat.

The conversation moves through the cases — the three new cases building from the Eastshore model, the specific legal and scientific questions each one will require, the places where the methodology needs to develop further.

Then he says: I want to tell you something.

I look at him.

He says: I have been in this firm for seven years. I have been in Washington for fifteen. I have built the practice here and the cases here and the work that I am most proud of has happened here.

He says: and I have been thinking, for the past several months, that I am not attached to the location of the work.

He says: I told you that in December.

I say: yes.

He says: I want to tell you again because the information has not become less true since December and I think it may be worth repeating.

He says: the work is the argument. The argument does not require a specific city.

He says: I am telling you this as evidence.

I look at the table.

I say: I have a lab in Boston.

He says: yes. The interesting things are in the lab.

I say: the supplementary data.

He says: yes.

He says: Boston has good federal courts. The First Circuit has been receptive to climate causation arguments.

I say: you've been researching this.

He says: I've been building a file.

I look at him.

He says: I am a litigator. I build files.

I say: on what.

He says: on the argument I intend to make.

I say: and what argument is that.

He says: that the ours is worth the distance and the distance is worth closing.

He says it without qualification.

He holds it.

I look at the table.

I say: that is a very direct statement.

He says: yes. I practiced.

I say: you practiced.

He says: yes.

He says: I argued against it for a week. Found every reason it was premature. The cases are just beginning. The location change would be significant. The timing —

He says: and then I stopped arguing.

He says: the position I actually hold is more important to me than my ability to see its weaknesses.

I look at my wine.

I think: the ours is worth the distance and the distance is worth closing.

I think: he built a file.

I think: he practiced the statement.

I think: he said it without the other side.

I say: I know what the data shows.

He says: tell me.

I say: the data shows that you came to Boston to walk along the harbor and you read the supplementary data sections and you call from the courthouse and you built a file on the argument you intend to make.

I say: the data shows the strong signal.

He says: and what does the strong signal show.

I say: I'm going to draw the conclusion.

He says: yes.

I say: the conclusion is that the distance is worth closing.

He says: yes.

He says it quietly.

He holds it.

I say: I don't know the logistics yet.

He says: I know. We'll work the logistics.

I say: we're good at working things.

He says: yes. We are.

We look at each other across the table.

I think: I drew the conclusion.

I think: I said the conclusion without a joke.

I think: the conclusion is out. It is in the record.

I think: evidence goes in the record even if it's not yet part of the argument.

We finish dinner.

...

*Scene Five — After Dinner*

Walking: the Washington DC night, January now, the cold committed.

He says: the first case from the Eastshore model.

I say: the Mississippi Delta municipalities. Sea level damages, storm surge, the documented economic losses.

He says: what does the model need to be stronger there.

I say: the storm surge attribution is more complex than Eastshore. The bathymetry of the Delta changes the relationship between sea surface temperature and surge height. I need three more years of localized monitoring data or a different proxy.

He says: which proxy.

I tell him.

He asks the question that finds the weak point.

I answer it.

He says: I want to argue that case.

I say: you'll be arguing it from Boston.

He says: yes.

He says it as a fact.

I say: yes.

He says: yes.

We walk.

The DC winter around us, the buildings lit, the specific city in its night.

I think: he said from Boston as a fact.  
I think: I said yes.  
I think: both of us.  
I think: the logistics are forthcoming.  
I think: the conclusion is in the record.  
I think: the record shows what the record shows.  
He says: the harbor in Boston is better in winter.  
I say: it's more honest in winter.  
He says: yes. The coast in winter is honest.  
I say: yes.  
He says: I'm going to come back to see it.  
I say: yes. You are.  
He looks at me.  
He says: I'm trying a thing.  
I say: how is the thing going.  
He says: uncomfortable. Correct.  
I say: yes.  
I say: both of those.  
We walk.

...

*Scene Six — The Conclusion*

The hotel, later.

I am in my room before the early flight back to Boston.  
I do not review case files.  
I sit on the edge of the bed and I let the evening settle.  
He said: the ours is worth the distance and the distance is worth closing.  
He said: I am not attached to the location.

He said: from Boston.

I said: the conclusion is that the distance is worth closing.

I said it without the joke.

I said it looking at him across the table.

He received it with the quality of a man who receives things completely.

I think about the armor.

The armor is available.

The armor has been available for three months and for three months I have not needed it in the specific way I used to need it.

I think: available but not required.

I think: the thing I was protecting myself from was being wrong about the want. Being right about the want and then doing the thing — making it funny — and having the funny be what remained instead of the thing.

I think: I have not made it funny.

I think: the thing is still there.

I think: the want and the thing and the room and him and the cases and the harbor and the supplementary data and the eight-fifteen call and the walk along the coast in November.

I think: all of that is still there.

I think: the armor has been protecting me from the thing being there.

I think: the thing is lighter than the armor.

I think: considerably lighter.

I turn off the light.

The Washington January outside.

Tomorrow Boston.

The lab.

The eight-fifteen call.

The conclusion in the record.

The logistics forthcoming.

The distance worth closing.

I am in the room.

The room is real.

I go to sleep.

# The Evidence

## Chapter Twelve — The Strong Signal

### *Scene One — The Lab In April*

April: Boston.

My lab at seven in the morning.

The nitrogen anomaly paper accepted in March — six weeks of review, which is fast, which the journal does when the finding is both unusual and well-documented. The first citation appeared in a different paper's supplementary data three weeks after publication, which is how scientific work travels when it is right.

Three cases in active development. The Mississippi Delta case is in discovery. A coastal erosion case in Louisiana. A flooding case in Rhode Island that is the smallest of the three and may produce the cleanest legal precedent because of its specificity.

He is arguing all three.

He is arguing them from Boston.

The logistics took two months to work. The firm has a Boston office — smaller than Washington, three attorneys, not the center of the practice. He is now splitting his time. The Washington practice continues — the cases that are already there, the institutional relationships. The new cases, the ones that build on Eastshore, the ones that use the attribution model I am developing — those are here.

The distance is closing.

Not closed — closing. The logistics are ongoing. But the direction is established and the direction is right.

I know what right feels like in data.

I know it when I feel it here.

I set up the morning's data collection run.

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*Scene Two — The Eight-Fifteen Call*

Eight-fifteen: his name on the phone.

He says: good morning.

I say: good morning.

He says: the Mississippi Delta case.

I say: the bathymetry proxy is holding up. The preliminary data shows the relationship between sea surface temperature and surge height is consistent with the model.

He says: consistent how.

I tell him — the specific correlation, the confidence interval, the places where the data is strong and the one place where it needs two more months of collection to be strong enough.

He says: the two months.

I say: yes. Two months and the proxy is solid.

He says: the defense will argue it needs three.

I say: they can argue it. The two-month collection will be peer-reviewed before we file.

He says: how long for peer review.

I say: six weeks if they're efficient.

He says: and if they're not.

I say: eight weeks. We have time.

He says: good.

He says: I'll be in the lab Tuesday.

I say: the Gulf coast sea surface temperature data arrives Tuesday.

He says: I know. You told me. I want to see it when it arrives.

I say: it's raw data. It won't be processed.

He says: the interesting things are in the raw data.

I say: the interesting things are in the supplementary data. The raw data is before that.

He says: then I'll see the before.

I say: yes.

He says: I'll bring coffee.

I say: the lab has coffee.

He says: not as good as mine.

I say: that is an unverified claim.

He says: I'll verify it Tuesday.

I say: yes.

He says: good morning, Mara.

I say: good morning.

I put the phone down.

I look at the data collection setup.

I think: he is coming to the lab Tuesday.

I think: he said the interesting things are in the supplementary data the first time I told him the interesting things are in the supplementary data.

I think: he has been saying it back to me ever since.

I think: he learns the things I say and uses them.

I think: I do the same.

I go back to work.

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### *Scene Three — He Comes To The Lab*

Tuesday: he comes to the lab.

He arrives at eight. He brings coffee from the place two blocks from the lab that is better than the lab coffee — I know this because he is right

and I have been unwilling to admit it to him directly, which he knows and which has become a specific kind of joke between us that is not armor, just funny.

He comes through the lab with the attention he brings to new places — not performing the attention, actually looking, the specific observation of someone who wants to understand how a space works.

Diane meets him at the entrance.

She looks at him.

She says: you read supplementary data sections.

He says: the interesting things are in the supplementary data.

She looks at him for a moment.

She says: yes. They are. Come in.

He comes in.

He walks through the monitoring equipment, the spectrometer, the data collection stations, the specific organized complexity of a working atmospheric chemistry lab. He asks questions about the equipment — not performed questions, actual curiosity about how the instruments work and what they measure and how the measurement becomes data.

I answer the questions.

He finds the interesting ones. He always finds the interesting questions, the questions that are adjacent to the obvious ones and more useful.

The Gulf coast sea surface temperature data arrives at nine-fifteen — the download completing, the raw data appearing on the monitoring display.

He is beside me when it comes in.

He says: that's what it looks like before it becomes evidence.

I say: yes. This is the before.

He says: the raw material.

I say: the raw material needs processing. Then it becomes data. Then the data becomes part of an argument.

He says: and the argument becomes evidence.

I say: if it's the right argument.

He says: and if it's the right argument it becomes a verdict.

I say: if the judge is reading carefully.

He says: Judge Kwon reads carefully.

I say: so does the First Circuit.

He says: yes.

He looks at the raw data on the display.

He says: the strong signal.

I say: too early to know. The processing will take a week.

He says: I know. But the strong signal is there. I can see it's there.

I say: you can't read raw atmospheric monitoring data.

He says: I've been reading your raw data for six months. I know what the strong signal looks like when it's in the before.

I look at the display.

I think: he is right.

I think: the strong signal is there.

I think: you learn to read the before when you've been paying the right kind of attention.

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*Scene Four — Diane's Assessment*

After he leaves: Diane in my office.

She closes the door, which she does when she has something specific to say.

She sits.

She says: Jonas Vela.

I say: yes.

She says: he reads supplementary data.

I say: yes.

She says: he came to the lab on a Tuesday for raw data that won't be processed for a week.

I say: yes.

She says: he brought better coffee.

I say: the lab coffee is adequate.

She says: Mara.

I say: the lab coffee is adequate and his is better.

She says: he came to Boston for the harbor in November. He came to Boston for the settlement conference in December. He is splitting his practice to be in Boston. He came to the lab on a Tuesday for raw data and better coffee.

I say: yes.

She says: and you.

I say: I have been talking to him every day for six months without the armor. I have been telling him about the data and he has been telling me about the arguments and neither of us has required the professional context to maintain the conversation.

She says: the conclusion.

I say: yes.

She says: say it.

I look at the window.

I say: the conclusion is that I am in something good and the something good is ongoing and the distance is closing and the armor is available and not required and the room is real and I am in it.

She says: that is the conclusion.

I say: yes.

She says: ninety-three point seven.

I say: plus or minus.

She says: good enough.

I say: yes.

She says: the last time you made a joke about him.

I say: I don't — I can't remember.

She says: December. You made a joke about the conference call format.

I say: about the format, not about him.

She says: yes.

She says: five months without the armor.

I say: yes.

She says: that's the evidence.

I say: yes.

She says: the strong signal.

I say: the strong signal shows what the strong signal shows.

She says: say it.

I look at the window.

I say: the strong signal shows that I am not managing the distance anymore. That I have not managed the distance for five months. That the want is present and I have not made it funny and it is still there, unchanged by the not-making-funny, which means the want was always the real thing and the armor was always the thing on top of it.

I say: the strong signal shows that the thing underneath the armor is lighter.

I say: considerably lighter than the armor.

She says: yes.

She says: I know.

She gets up.

She says: bring him back to the lab. I want to show him the spectrometer.

I say: Diane.

She says: he'll want to see how the spectrometer works. You know he will.

I say: yes. He will.

She goes.

I sit.

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*Scene Five — The Morning*

The following Monday: seven in the morning.

My lab.

The data collection running.

The nitrogen paper's second citation appeared last week in a paper on polar vortex dynamics — the specific way scientific work accumulates when it is right, one citation, then another, then the methodology being used without citation because it has become assumed.

The three cases in their various stages.

The attribution model stronger than it was at Eastshore, refined by the cross-examination, by the questions he found in the supplementary data, by the two months of additional collection the Mississippi Delta proxy needs.

He comes in at seven-fifteen.

He has a key now. The building key, which required a conversation with my department chair that was brief and professional and produced a key without requiring explanation.

He comes in.

He makes the coffee.

He brings it to the lab.

He sets mine at the corner of my workstation without interrupting what I am doing.

He goes to the desk we have set up for him — the specific desk of someone who is here regularly enough to need a desk, with his yellow legal pads and the printed datasets I leave for him and the supplementary data sections he has been reading.

We work.

The lab in the early morning — the equipment, the data, the specific parallel efficiency of two people who work in the same space well.

At eight-fifteen he looks up from the yellow pad.

He says: the Mississippi Delta proxy. The confidence interval.

I say: yes.

He says: at two months the interval narrows to what.

I say: the preliminary data suggests ninety-one percent. Two weeks more might get us to ninety-three.

He says: ninety-three point seven.

I say: if we're lucky with the collection conditions.

He says: we've been lucky before.

I say: we've been careful before. That's different from luck.

He says: yes. You're right. We've been careful.

He goes back to the yellow pad.

I go back to the data.

The lab around us.

The Boston April outside — the specific April of a city that has committed to spring after a very long time of not committing, the light different, the quality of the morning air beginning to be the thing it's going to be.

I think about the armor.

The armor is available.

It is in its location. I know where it is. I could use it. The specific mechanism is intact, twenty-five years of precise calibration, ready when required.

It has not been required for five months.

I think: available but not required.

I think: that is the data.

I think: the data shows what the data shows.

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*Scene Six — The Evidence*

He looks up from the yellow pad.

He says: I want to tell you something.

I say: tell me.

He says: the evidence has been strong for six months.

I say: yes.

He says: the conclusion holds.

I say: the conclusion holds.

He says: I am not arguing against it.

I say: I know.

He says: I want you to know that I am not arguing against it. Not in my head. Not in the preparation time before I tell you something. Not in the twelve-reasons list that I used to make.

He says: I stopped making the list.

I say: when.

He says: December. The dinner where I told you I am not attached to the location. I made the statement and I did not make the list first.

I say: you made the statement without the list.

He says: yes.

He says: the list is how I used to make the commitment. By finding all the reasons not to and then deciding the commitment was worth them. I don't do that anymore.

I say: what do you do instead.

He says: I decide. I decide and I hold the decision and I don't find the other side.

I say: you decide.

He says: yes.

I say: I decided something in November.

He says: I know.

I say: I decided at the dinner in November that the thing underneath the armor was lighter than the armor and the room was real and I was going to be in it.

He says: yes.

I say: I have been in it.

He says: yes.

He says: I know.

He says: I've been in it with you.

He says it and he holds it.

No qualification.

No however.

No list.

I look at the workstation.

The data collection running.

The spectrometer doing its work.

The specific equipment of a lab that is always in the process of becoming the next finding.

I say: the evidence shows what the evidence shows.

He says: tell me what it shows.

I say: the evidence shows that you have been in the lab on Tuesday mornings and you have been reading the supplementary data and you have been bringing better coffee and you have been making the arguments without the list and you have been holding the conclusion without the other side.

I say: the evidence shows that I have been talking to you every morning for six months and I have not made the armor funny and the armor has been available and not required and the room is real and I am in it and the it is considerably lighter than the armor was.

I say: the evidence shows the strong signal.

He says: and the strong signal shows.

I say: the strong signal shows that I want to be in the room. That I am in the room. That the room is this lab and this conversation and the

Tuesday mornings and the harbor in November and the cases we are going to build and the raw data on the display that you said had the strong signal before it was processed.

I say: the strong signal shows that you were right about the raw data.

He says: you can learn to read the before.

I say: yes.

He says: if you've been paying the right kind of attention.

I say: yes.

I say: you have been paying the right kind of attention.

He says: so have you.

He says it with the quality of a fact received and returned.

The lab around us.

The April morning.

The data collection running.

The evidence accumulating in the way that evidence accumulates when the system is working correctly — continuously, in the background, building toward the conclusion that the strong signal was already pointing to before the processing began.

I look at the workstation.

I look at him.

I think: the evidence shows what the evidence shows.

I think: the conclusion is in the record.

I think: the conclusion holds.

I think: I am in the room.

I think: the room is real.

I think: lighter.

I think: considerably lighter than twenty-five years of armor and the specific lightness of the thing underneath that was always going to be there when the armor came down.

I go back to work.

He goes back to the yellow pad.

The lab does what the lab does.

The data collects.

The strong signal is there.

This is enough.