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Practicing law: Medical thriller captures the spirit of the legal genre

By Ann M. Sato
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Harmful Intent by Baine Kerr (Scribner's, hardcover, $25)

Genre novels crowd the bookstore shelves — fantasy, romance, mystery, thrillers. The trick for any author who hopes to see his or her name there is to find a way to satisfy the often very narrow tolerance of the genre fans without just rewriting the old formula.

In "Harmful Intent," Baine Kerr, a Boulder, Colo., attorney who lives part of the year on the Big Island and has been on Oahu for book-signings recently, has found his way nimbly along this very narrow path.

Though the book jacket calls it a "medical thriller," this first novel fits neatly into the legal genre dominated by John Grisham, Scott Turow, Philip Margolin and the like. Their stage is the courtroom, their language the stilted specificity of the law, and their star is a lawyer with a conscience (perhaps because so many people consider this a rare breed).

Kerr does a tricky thing here. He makes a hero out of a medical malpractice lawyer at a time when "medical malpractice" is considered a multi-syllable swear word.

Kerr's protagonist, Peter Moss, is a patients' attorney just back in the office from a mid-life period of exploration in the Costa Rican jungle. He's got a scarred marriage, Vietnam memories, uneasy partners and some failures to ponder.

And Kerr posits a client who couldn't give a straight answer if

her life depended on it and who disappears early in the book, popping up maddeningly now and again to leave a message on her attorney's phone tape, or drop a postcard in his mail. She's got a secretive and smart-mouthed daughter you want to slap, a dangerous ex-husband, a checkered past and no future — she's all but dead of cancer left untreated by a family doctor with an ulterior motive that's the lynchpin of the novel.

In the end, all these people, with the exception of the family doctor — a man so bereft of integrity it's difficult to imagine him — become likeable. No, that's not it, they were always likeable. What happens, as it happens in the best of escapist novels, is that you come to know them and to like them because you know them.

Grisham can't write as well as he can plot. Turow's last effort missed the mark. Margolin is stuck in a formula. But Kerr, a short-story writer who has been the recipient of a fiction fellowship from the National Endowment for the Arts and an Editors' Prize from the Missouri Review, is skilled beyond these because he can write.

He can recreate the patter of lawyers at work: "Don't go with a virgin is my advice," says Moss' partner. "... Virgins are cavers." He means not to use an expert witness who's never testified before, but the line is arresting, coming as it does at the beginning of a chapter. You read eagerly, gulping the scene because you know that this how med-mal attorneys talk.

He can imagine into being a character like client Terry Winter, who says the most amazing things. "Hey," she says, "I like having cancer . . . You get cancer and you can drop the s---. You know what I mean? Be who you are."

This is harsh stuff, but, again, it is truth. I've heard of a woman who, denied the right to use the bathroom in a grocery store, said loudly, "I have CANCER!" and was shown immediately to the facilities. She howled with laughter later, telling the story, about how cancer had its uses. Terry Winter is like that.

Later, failing, Terry says, "You can be afraid and happy. Happiest. . . . I've prayed for something. To die well. Matter of attitude, I think."

Elusive as she is, breezy when she should be serious, Terry Winter is someone you want to see dance as she marches almost gaily into the desert of her death, catching at her throwaway lines, learning from her toughness, loving her spirit. "You bring out the best in people," Moss tells her after he, too, comes to know her.

I have called "Harmful Intent" escapist and by this I mean no

slight.

"We read to know we're not alone," the character says in the play "Shadowlands." Often though, we read to be alone: alone with others who interest or inspire or just delight us, who live the lives we are not living. The best of everyday fiction carries us lightly and swiftly there, to that other place, wherever it is. We are taught, a little, pleasured a lot. We return and say to a friend, "You ought to read this."

You ought to read this.

Ann M. Sato is a Kailua writer and teacher.

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