

**She played  
by the rules**

**but the rules  
are broken**

'It has been an  
absolute joy to return  
to Tessa's story'

**JODIE COMER**

'Magnificent and moving'

**FINANCIAL TIMES**

**Suzie Miller**  
**Prima**  
**Facie**



Praise for  
**Prima  
Facie**

'This nakedly powerful story of how even a successful articulate woman lawyer can herself become a victim of the system is still one worth telling and re-telling'  
*Daily Mail*

'Incredible . . . I loved it'  
Deborah Frances-White

'These are stories that need to be heard'  
*Observer*

'Enthralling and sharp-witted . . . Highly recommended'  
Karin Slaughter

'Magnificent and moving'  
Alex Preston, *Financial Times*

'Miller's star shines as brightly as a novelist as it does as a playwright. *Prima Facie* the novel gives us what novels do: the intimacy of interior life. A great read.'  
Anna Funder

'An engaging, thought-provoking novel . . . Miller braids the legal technicalities and courtroom procedures with Tessa's personal story authentically, with great control of tension and pace'  
Helen Cullen, *Irish Times*  
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‘Bold, fearless, heartbreakingly timeless. Written with skill, humour, despair and hope, *Prima Facie* is a deeply rewarding, absolute must-read’

Chris Whitaker

‘A tour de force that will leave you shaken, enraged and moved’

Matthew d’Ancona, *The New European*

‘A fantastic read, page-turning and thought-provoking. The kind of story you can’t stop thinking about, I loved it’

Jane Harper

‘Miller’s novel is searing, vindicating and absolutely necessary both in the injustices it names and the emotions it evokes. I am grateful to her for writing it’

Sarah Krasnostein

‘Gripping . . . [with] blistering points about class, power, the patriarchy and the law shaped by generations of men’

Alice O’Keeffe, Books Editor, *Bookseller*

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# Prima Facie

Suzie Miller



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For all the women who comprise the 'one in three'

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*Fortune favours the bold.*

Virgil

*Boldness be my friend.*

William Shakespeare

*Courage is the most important of all the virtues.  
Because without courage, you cannot practice  
any other virtue consistently.*

Maya Angelou

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**BEFORE**

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# 1

Thoroughbreds. Every single one. Primed for the race, every muscle pumped; groomed in expensive, understated, designer grey or navy suits, classic white shirts, black robes. All these top legal women have a sort of swagger, an ironic way of owning the space, a satchel flung from one shoulder to the opposite hip. Nude or red lipstick, not too much mascara. Cool earrings, and designer boots, or cheeky heels bought on a trip overseas. I study them all. Have done so for years. Copy them. I'm a good mimic, before eventually I become better at 'being a barrister' than the ones born to it. The top women do law differently than the men, subtly different, and it takes a while for me to compute the various ways they own the space. All the little details are secret code for 'we're here but we're doing it our way, not like the crusty old male barristers of the past'. And these details accumulate the more confident you become, the more you really step into the space in court. Barrister bags in red or blue are placed around the court, like loyal dogs beside their owners:

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blue for baby barristers of less than twenty years, while the red ones are a badge of honour, given to a junior barrister by a KC who has singled them out for praise. I was granted a red one, and I treasure it, but I use mine ironically more than anything else. Soft, thick, white ropes of a certain length and texture act as handles; blazoned with hand-stitched initials in the only font permitted, and lined with court-approved ticking. A barrister bag was once a thing of pride, supposed to be used for carrying briefs and materials for court – they might have been useful centuries ago, but now, really, they're there for show. Symbols of the elite, handed down from father to son to son. Sometimes a daughter receives her father's bag, but those barristers – the women who grew up with law in the family – don't have the same uncomfortable relationship with these things that I do; they also don't love the law like I do, either. They don't see it as a tool for power in the way I always have; don't hold it tight. Sure, they know it is 'powerful', but most slipped into the law as if settling into an old leather armchair, and think of it more as a family business, not a desperate arena to fight for justice.

It's easy to pick out these women. They mostly don't do criminal law, nothing grubby. Nothing *risky*. If they do opt for a criminal practice, it's usually a tame version, and often chosen more out of curiosity than life experience, more for the excitement than the desire to fight for clients on the lowest rungs of social standing.

For those of us beyond the barrister-bag accoutrements, the satchel is a much better statement: confident, unfazed, a symbol of having made it well past the need for a security blanket, our own little badge of honour.

Yet there are some things we all have in common: the horse-hair wigs that cover our well-cut, warmly coloured styles that give all women barristers the same unfortunate case of '6 p.m.

wig-hair' at the end of a long day. Something the male forebears didn't account for when they enshrined it as legal costume. The only way the men can differentiate from each other is the colour of their tie; occasionally one might add some unusual glasses or an interesting watch.

In a glance, I can tell who's who in the court foyer. What cases they have run, won, lost; what cases are listed today. If it's a certain group of barristers, then it's all white-collar crime in corporate finance cases, their instructing solicitors trailing behind them with trolleys of white binders.

And then there are those of us who ride the lifts to the criminal courts. We circle, heads held high. All of us trained and ready for the sprint. Not jumpy but wired, like a racehorse; excited, restless. Waiting for the starting gun. The first to break loses.

I walk into court with my client, take in a rabble of police leaning into the prosecution barrister. Arnold Lathan is prosecuting. Good. I'm glad it's him; dare I say this is now perhaps a winnable case. I nod to Arnold briefly and he nods back. My blood rises but I have to restrain myself, keep it together, don't get too excited. Arnold's always prepared, he's just not as quick once things unfold. I don't recognise any of the police. That's also good. They have no idea what to expect.

My client is lagging. Tony. He's a tall guy, big; this isn't the first time I've acted for him, but it is the first time on a matter like this. The charge of stealing and assault is based entirely on the evidence of one man, someone who Tony once played football with. A compromised witness with a major grudge against him. He dislikes Tony, looks down on him; and has made a statement which leaves out the abuse and assault Tony endured at this man's hands. The police clearly believed the man's story and so here we are. **Copyrighted Material**

Tony is dressed as I told him, but he still doesn't cut it. A suit from Primark, a cheap no-brand shirt, and a tie he must have got free with the shirt. Still, at least he tried. He's hidden all his tats under that layer of polyester. Good. It's always a shock to me when these tough guys are about to walk into court; they're unexpectedly nervous. And Tony is no exception. Out there, they run the streets – confident, cocky, reading all the signs – but in here, the signals are different, and each of them says, *You have no power*. I told Tony to bring his toothbrush and he told me earlier this morning that he actually did. He pulled it out of his pocket, a blue Tesco's brand with some fluff from the lining of his new jacket layering the bristles.

'No, Tony, it's just a manner of speech.'

'But you told me—'

'It's just lawyer talk.'

His eyes are glued to my lips, trying to work out what I'm saying.

I explain, 'It means the cops have a good case.'

'But you said—'

'Tony, they won't actually let you take your toothbrush into prison with you!'

'They won't?' He's scanning my face for any sort of hope.

'Don't panic just yet.'

Tony is scared. Like, little-boy scared. Of course he is. For him this is not an everyday thing, not a familiar place. He's been up all night, drinking and vomiting; he's had to iron that shirt, and ask his girlfriend or his mum to put the tie on for him. He probably caught the train in and ate Maccy D's around the corner, not knowing where he'd spend the coming night. This is big; he could go away for a few years if he goes down.

The truth is, keeping them afraid is useful. They listen more, tend to be a bit in awe of you, and it acts as a buffer in case they

go down. It means once they know jail is possible, you're all they have. If we walk out of here today, I am his favourite person; if he goes inside, it won't be a shock. I can see so much of my brother in Tony. Out of place, in a terrible situation that looks like it can only get worse.

I head back over to him. 'Hey, Tony.'

As he hurries to stand up, I see he is sweating. 'You, OK?'

'Yeah. Yeah.'

'Anyone coming to be with you?'

His tongue moistens his lips. He's just twenty-five. 'Mum's on her way.'

'Good.'

I am the only thing recognisable in this room. There is laughter from a group of barristers, another calling loudly for his client. Confidence and power surrounds Tony, but he has none of it. His eyes are soft and, for the first time since I met him, he has neither gum nor cigarette in his mouth. I see the child in him. Not the arsehole in the police brief, the thug who drank too much, lost his cool and is in over his head.

'Do you think there's any hope your witness will arrive?'

He has an ex-girlfriend who was there at the time, saw that it was not Tony who threw the first punch.

'Dunno. Maybe. Shall I call her again?'

'Yeah, you do that. Tell her we're in the list for ten a.m.'

I know there's no hope. She's been AWOL for the last month. Fact is she doesn't want anything to do with this case. She's scared to give evidence. No one likes to be cross-examined. At least calling her will give Tony something to do as he waits for his mum. And it gives me a chance to review the main points, a trip to the loo, straighten my wig and make-up.

When Tony takes his seat in court, he pulls the chair up to the bar table beside me. I have to reprimand him. I turn to him and

explain he is to sit in the dock; I direct him over to the court officer. He complies meekly; he's shaking. The man described in the police brief, as a dangerous, violent, drunken thug in a bar, is this frightened 25-year-old quaking like a boy. The narratives do not reconcile. This is the truth of the law.

Then Tony's mum enters, takes a seat halfway down in the gallery. She is alone too; texting. I gesture to her to switch off her phone. She doesn't understand. I give up. I turn and look at the wall clock. Court is starting to hush; the judge is late but not very. It's just after ten. I hear the chatter in the gallery behind me, but now I'm on the job I push it into background noise. Flick through my papers, pour some water from the jug on the bench into a tumbler, arrange my notes.

The atmosphere in the room is the same in every case I run: this is the moment before, where the charged space around me has a current of excitement and dread. This is where my skillset gets to flex its muscle. I draw all my energy into the same place, make the bar table my own. Blinkers on; focused only on what is ahead. Face confident, giving nothing away. So much of this is theatre. All the details of the case are in my head, no room for anything else. I am holding it together, holding back, keeping my blood at just the right temperature. Just below boil. Waiting. Waiting. Then bang.

The court officer calls out, 'All rise.'

We all leap to our feet, nodding our respect as the judge arrives. He takes his seat, and we take ours. The prosecutor and I, pumped, both in our own lanes, both utterly aware of each breath the other takes, but never acknowledging one another unless, *I refer to my friend, the prosecutor, Your Honour*. No eye contact.

We are out of the stalls and it's on. It's a long race so I pace myself, know when to exercise restraint. Nothing worse than

jumping in too early out of a desire to win a point that ultimately undermines your case. The prosecution opens, stands, and looks at the jury. The best chance for Tony is if the prosecution case can't be made, where the evidence can be undermined by the defence and there's the opportunity to make an argument for no case to answer. That means the case fails and Tony walks. I have the whole course mapped in my mind, yet I'm ready to tear it up at the first surprise.

The prosecutor lists the charges. At the bar table my eyes graze the bench, performing practised nonchalance at the prosecution's accusations. My face gives nothing away: sit still, straight back, focus on what's before me, poised, watching, waiting, nerves taut. Every word uttered I am processing, interrogating, filing away, all the while feigning boredom. Breathe. Eyes gentle but listening to every word, interpreting every physical signal, looking for an opening. The theatre is not just to impress the clients, not just to show who is in charge, it's part of the game. I sit slightly away from the bench, head cocked to one side, leaning on the back of my chair, but all my muscles are tightly wound waiting to spring.

Then I spy an opening: the prosecution witness is drifting away from just answering questions and elaborating in ways that he isn't asked to. I can see Arnold, the prosecutor, is tempted to ask something he knows is ambiguous. His hesitation is key. It's starting to open up . . . wait, wait . . . let some more open up. This is the measure of my skillset, the waiting, the calm before.

And there it is; instinct pushes me forward, I leap to my feet. Measured, but clear. 'Your Honour.'

I hold everything in one place, and eyes, eyes are all looking at me. I can't see anyone, but I feel the shift. Standing tall, poised, and the judge focuses in on me. I hear my own voice. 'I'm so

sorry to rise, sir, but I believe my friend at the bar table, counsel for the prosecution, is leading the evidence from his witness. The prosecution case rests solely on the evidence of this man, this witness here. A witness who, the defence will argue, is severely compromised.'

Strong and sure, explaining my objection, making my application to disallow a line of questioning. The prosecutor tries to maintain his momentum; I feel the urge to elaborate, but rein it in. Less is more, I've made my point, keep them guessing.

The judge momentarily pauses, like he has just felt the pulse of the game, his eyes resting on me again; he knows me, he has seen me in action before. Is that respect? He hasn't been on this side of the bench for a long time, but he loves the fight, he loves a muscular argument, and this one is shaping up. He leans forward. 'Application granted.'

*Yes!* In my mind I am cheering, but anyone watching me won't see it. My instructing solicitor sits in a chair near mine at the bar table. He is a man, new to solicitor practice, from a nice private school with the neatest haircut in the room. I don't need him at all, but he thinks I do, so he pores over his notes just to be ready.

I see Tony look at me from the dock as I turn back to take my seat. He doesn't quite understand that I have won a significant point, but he feels it, a subtle shift. The witness in the box is someone Tony once knew well, but after this there is no friendship left. This man has moved a long way from when he and Tony played football together. He wears sharp cologne and works in property now, some sort of estate agent. He is the 'bastard' that the Tonys of this world always lose to. To Tony this man is everything wrong with his life, a lifetime of built-up hostilities, leading to this moment where the witness sits in court trying to get his former friend sent to jail. For me, though, the

witness is just the witness, a pawn in a bigger game. I stay seated while the prosecutor continues to examine his witness; he has botched something, and he is patching it up as best he can. There are other barristers in court, sitting in the gallery as they await their own court matters, alert to the arguments, curious to see how another of their own uses their skills.

The judge speaks. 'It's your witness, Ms Ensler.'

And this is the moment. The witness is mine, oh yeah, the witness is mine now.

The witness breathes in, wary, sizing me up. He is computing everything about me, taking in what I am wearing, how I look at him, whether I am the sort of woman he can charm, or ridicule. My neurons are firing, words being formed, I'm carefully selecting phrases as tight as a drum. The courtroom is silent, charged, waiting for me. I drink up this moment.

I stand and take a minute, adjust my robes and do up the button on my suit jacket. I can hear my own voice in my head. *Keep it cool, Tessa, keep it cool.* I can see in my peripheral vision the witness still taking the measure of me. I must look small to him, young. But he can't quite figure me out. I let everyone wait just a second more than they expect, then I launch.

Cross-examination is the best part. It's all instinct. Yes, you need the information, the map of the journey forward, but once you're on your feet you need to be nimble. Need to be flexible. Turn on a beat.

I focus in on the witness. I'm poised, ready for the play ahead. But the witness has no idea who I am; perhaps he was warned by someone of my various techniques, but by now he has forgotten it all.

I ask him a question; he turns to the judge and answers rapidly.

I ask the same question in a different way, watch his face, a flicker. He repeats his answer with a dismissive wave, before

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quickly eyeing the judge. I repeat his answer back to him. I don't look, but I feel the prosecutor stir slightly at the bar table next to me.

I repeat the answer again, quizzically. The witness looks right at me, thinks I am getting mixed up. I flick through some papers, let him think I've lost my way.

He jumps in, tries to explain his answer, his voice patronising. He lets it be known with the pacing of his words that he thinks, *This one is a bit slow in understanding.*

I hear myself breathing then a barely audible snicker from the prosecution.

Good. Very good.

Again, I flick through pages in my file, check Tony in the dock; he moves uncomfortably.

Good.

I ask a similar question, and watch the witness relax. His shoulders roll back, eyes dart around, a smirk. *This one doesn't seem to know what she's doing.* I check the judge. Expressionless. But this judge has seen me before, he's seen the likes of me. He's quietly observing the performance.

Question one.

Question two.

Look worried about the answers. This emboldens the witness. He glances around the gallery, trying to find an audience. Flashes me a look and condescends, then . . . is that a hint of flirtation? I nod at his answers, flicking through pages, fumbling. I watch him: yes, yes, here he goes.

I let the witness talk, overtalk. I let the witness 'clarify'. Good.

'Thanks for that, sir, I wasn't sure . . .'

And he goes further. He's in his element. His eyes dismiss me. *This one must be straight out of uni or something; she's not that*

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*good*, he thinks. He's putty in my hands now. He relaxes, thinks he has the upper hand. And so now he is not careful, not afraid, no longer vigilant.

He says something inconsistent.

I nod, and look confused, let him explain it to me, but inside I am on alert. This is the break in his serve, this is where I take my lead. He's explaining and I'm nodding as he digs himself in further.

'OK, I see. That's a bit clearer now . . .'

Oh, he volunteers more information. It's all too easy, he has talked himself into a total mess. I dare to turn and momentarily clock the prosecutor. I see him put a finger to his forehead. Yes, he knows. And I know, but the guy about to bury himself doesn't know; he talks on and on. In my mind's eye I am circling him, nodding approval. I ask for further clarification.

The witness is so obliging! He is 'helping the woman out'. I quickly check the judge; my face is a mask – but the judge knows. Turn back to the witness; there is blood in the water and I let the witness swim on. He has gone beyond the point of no return, no one can help him now.

When he's done, he sits back, a flash of confidence across his face. I let him feel his control, feel in charge of the moment. I let him indulge in feeling safe and secure.

Then I breathe in and out, remind myself to tiptoe through the next bit, really pace the impact.

The witness crosses his arms. I have stopped flicking through pages; I am standing very still yet I am circling him. The judge and the other lawyers know what's coming. They silently cringe for him, but they love it, they lean forward. The people in the public gallery are a little bored; they see incompetence in me, someone lost, they have no idea what is happening.

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And the witness – there in the witness box, the man I am talking to – he still has no clue. No. Fucking. Clue.

‘I’m sorry, but just to clarify. I do have one more question. I hope you don’t mind; it will help me get the full picture . . .’

The smallest of eye rolls from the witness. Perfect. This is exactly where I need him to be. But if the witness was watching the prosecutor, the guy sitting next to me at the bar table, he’d sense something is amiss. The prosecutor turns his face down towards the bar table. I stop moving, stop paper-shuffling, stop fawning confusion. I look right at the witness.

I ask my question.

A strange movement crosses his face; he looks to the prosecutor for reassurance. The prosecutor can’t say anything, but his eyes, they are begging him to be careful, begging the witness not to fall into the trap laid out before him. I see all this and then I fire four questions like bullets at the witness.

Bang, bang.

Bang. Bang.

His face registers the shock. He is annihilated; he looks at me. For the first time this witness sees me. Sees who I really am.

I watch the slow dawning, followed by fury. Fury at me, at being taken for a ride. I stand up tall, let him see my power. He thought he had this, but here I am. I like that he had dismissed me, I like that he had rolled his eyes, decided I was lousy at my job. I like it all for this moment. This moment where I have won the game and he is forced to look at me, and to realise that he had completely underestimated who he was dealing with.

He doesn’t like it.

I watch the witness sweat as he thinks of an answer. The people in the gallery are not bored any more. They have just seen a cross-examination in action, one as brilliant as they see

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on television. I can feel the shift in them; they are now looking at me with respect, curiosity. *She's good.* But I'm not done yet.

I look over at my client. He stares at me awestruck – he had long given up, he beams at me – but I continue as if I haven't seen him. I am not done yet.

'Answer the question, please, Mr Bateman.'

I say this in my most professional voice. The witness does not speak. I relish this last moment and take my time. The prosecutor has his head down, almost touching the bar table, his case destroyed. He knows it, I know it and the judge knows it, but the performance must reach its finale. I press on in the sweetest tone I can muster.

'Your Honour, the witness is not answering my question.'

The judge reminds Mr Bateman that he must answer the question. I turn to Mr Bateman and wait. He is cornered and I wait. He mumbles something. I lean in. 'I'm sorry, I didn't hear that.'

The judge says wearily, 'You must speak into the microphone for the recording, Mr Bateman.'

I gesture to the witness to bring the microphone closer to his face, smiling benevolently.

By now Mr Bateman is very wary of me. He answers, 'Yes, I was.'

'So your answer is a yes, then, sir?'

The judge has had enough – the witness is destroyed – and tells me I have my answer. I do! And I like it. The prosecutor shakes his head when he is asked if he will re-examine. He doesn't even stand. There's nothing he can do to save his case. The judge lets the witness go and, as he leaves the witness box, he tries to make eye contact with the prosecutor. *What just happened?* He is confused, fumbling; he is enraged. With me. His face is shaken as he walks past me; he has no idea what just

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went down. It's not emotional for me, it's simply the game of law. I stand up again and request that the case against my client is dismissed. Tony doesn't know what is happening, but he senses it's good. I address the judge, neutral.

'I submit that there is no case to answer, Your Honour.'

The judge is swift; he dismisses the case. He turns and explains to Tony that the case cannot be proved and that he, Tony, is free to go. Tony shakes his head, beams, but doesn't walk from the dock until I beckon him. As I pack up my paperwork, I turn and nod to his mother. She also stands to leave.

The barristers' rule is you can't flaunt a win. Every winner might lose the next day. We don't even call it losing – it's too hard for us to wrap our mouths around that word; instead we call it 'coming second'. Today the prosecutor came second. I nod a thank you and acknowledge the prosecutor, trying not to make eye contact. Put my papers in my satchel and cross it over my chest, undo my suit jacket and make my way towards the door of the courtroom. Everyone who saw me win is watching me. I saunter. Mentally cue applause; it feels good.

When I get to the door, I turn, nod to the judge. Tony and his mother are on either side of me; I motion for them to nod too, and they do. This big thug of a man and his mum are in my thrall. I am the one who leads the way through this strange system, puts them on a path to freedom. Once we are outside the courtroom I dare to strip away the artifice – not all of it, though: they need me still to be in charge.

'Tony, you can brush your teeth at home now.'

He looks at me, questioning.

'You're free to go home, Tony. They didn't have a case. It's all over.'

I realise Tony and his mother, despite hearing the judge dismiss the case, still do not quite know the outcome. Tony's

mother bursts into tears; she grabs my hand and puts it to her heart. There's suddenly a warmth, a strange closeness to this mother and her son. It's too familiar. I start to falter. This mother, her boy, such love between them. Her relief is so palpable. I wonder how many sleepless nights she has had worrying about what would happen today; I also wonder how she can bear it. There will be another time for Tony in court, of that I have no doubt, but for today she can take her boy home. Tony's mum is not letting go of my hand; I put my other hand over hers and gently remove it from her chest, gradually releasing her grip.

'I must run, another case to prepare.'

Keep it professional. I turn to Tony. 'As for you, I don't want to see you in here ever again.'

I say this to a grown man, to someone towering over me. I say this to Tony, still in his badly ironed shirt, sweat marks now under each arm. He nods almost violently. He won't be here again, he is sure. I'm not. But in this moment, he grabs my hand and shakes it. This giant thug of a man is filled with respect for me. In this moment, I have power.

Outside court I turn on my iPhone and bring up Alice's number to debrief. Alice and I are so different, but our chambers rooms are side by side, and the proximity creates an intimacy of sorts. We bear witness to each other's lives, note-takers of the ins and outs of our court diaries, cases, and occasionally love affairs. The adrenaline kick of winning a matter makes it impossible to settle until you've had the chance to speak to someone, a listener who understands the game. It's been trickier lately because Alice has not been doing well. I hesitate, then dial. It would be weird if I didn't, I know she would be expecting it. It rings, but the voice that picks up is not Alice's. It takes a moment, and then I realise it's Julian.

'Alice is in the loo,' he says. 'She left her phone at the photocopier. How'd it go?'

I smile to myself. 'I won.'

I wonder if I sound arrogant. I don't mean to. I'm still computing that I'm debriefing with Jules. He is slightly out of reach

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for me usually: a bit of a hero at the bar, a guy who is very at home there.

A cab slows down nearby and I jump in, laughing down the phone as Julian's voice manages a hint of humour, then he says, 'What's new?'

I ask the cabbie to head to St Pancras station.

Julian presses me for details. 'Did your guy give evidence?'

'Didn't have to. I called for no-case. The primary witness fell over in a hot mess.'

He's laughing, but impressed; I'm packing my wig in my Tupperware box, folding my robes into my barrister bag. It feels good to be able to tell someone who is also on a winning streak. Julian is a better barrister than Alice, more dynamic. He responds to details around my killer cross-examination. I tell Julian the witness obviously thought he was dealing with some brainless twat.

'Big mistake,' he says. 'Serves him right, he underestimated one of the best.'

Without warning, I feel a warm jolt. I hop out of the cab, and the driver calls me back. 'Love, you don't get to ride for free!'

I forgot to pay, forgot it wasn't an Uber. I'm embarrassed, find a twenty in my pocket. 'So sorry, here, keep the change.'

As an afterthought I add, 'My uncle drives a cab where I'm from.'

The cabbie smiles at me, gives me a wave as I return to Julian on the phone. I feel a little exposed – perhaps he heard the comment about my uncle – but I'm soon distracted by the conversation. I've never spoken to Julian on the phone before, and I don't think we have ever had a conversation that didn't include someone else at chambers. Truth is, Julian is someone I would never hang out with normally. And I most certainly

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wouldn't call him and tell him about a case I had won. I was on a high, out of court, rushing to catch the train to Mum's place.

'Can you tell Alice the brief for the matter she's taking on for me tomorrow is on my desk?'

'Sure.'

Julian tells me his day was all corporate clients, boring as batshit, wishes he could get to court on a juicy criminal matter like me. I have to tap my phone ticket app to board the train and the noise drowns out the last thing he says, but when I end the call I linger slightly on the concept of him.

Julian is born to this world, takes it all in his stride. Father is a King's Counsel, the most senior barrister of all; godfather *also* a KC.

I throw my barrister bag with my robes inside on the luggage holder above and sit down in a window seat, satchel at my feet. Settle in for the ride to Mum's. I dare to think I'm starting to make a mark. I mean, if Julian, one of the most well-educated, confident men at the bar, compliments you on your work, then you have to take it as a good sign. I smile inwardly as the train pulls out of the station. Take the elastic out of my hair, wriggle out of my suit jacket, lean my head against the window.

The train makes its way out of London before travelling through familiar countryside; I feel the gloss of my legal life melt into the seat beneath me. A drinks trolley arrives, I sip milky white coffee and wonder why Mum has called me for tea. She rarely calls me; it's always me leaving messages for her. She can't pick up her phone at work: the cleaning company she works for either has a nanny-cam watching employees all day or they have some extra sense about who has been on their phones. It makes Mum crazy worried she'll lose her job. She says if I really want to talk to her, I should call back again after it goes to voicemail; two calls and she will pick up. I do this all

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the time and it drives her mad. It's supposed to be for emergencies only, but I never know for sure if she is at work or the supermarket, or just at home and missed the first call. I put in my AirPods and listen to some music and watch the world outside the window race by.

When the train arrives at Luton, it's like I am back to the same person who started out; there's no pretending here. Everything is too familiar, everyone too familiar. I leave the station, consider buying a sausage roll then think better of it. Walking down the high street, there's a small dog on a lead staring at me; I stare back and smile before winding my way to the estate I grew up on.

I can see Mum's house and drop quickly into the corner shop where a waft of vanilla-scented cleaning products rises up at me. The man behind the counter is Sharn. He's much older now, been here for years. I grab a bottle of Fanta, Mum's favourite drink, and head to the till.

'Evening, Sharn, how are you?'

'Well, hello there, long time no see, hey? Is that really little Tessa Ensler?'

I laugh along.

'Well, it's nice to see you. I tell all the young ones who come in, "You know, a girl from up the road here took herself to Cambridge, and now she's a lawyer in London."'

I know he's being kind, but it feels awkward. He remembers more than just this. He remembers me as a small girl, coming in with scraped knees or with my brother, Johnny, clutching a pound coin if I was lucky. He remembers my father.

We talk about the new Tesco Metro down the road and how Sharn's business is suffering. I nod sympathetically, but I know that even my mum, who loves Sharn, shops there now. It's just

cheaper. I feel guilty so I buy some expensive chocolates and Sharn must climb a ladder to reach them, which makes me wonder if they might be past their expiry date. He's still talking about Cambridge.

'I tell them all about you going off and studying law there. About how they could do it too if they wanted to.'

I nod, but I feel uncomfortable. I earn so much more than Sharn these days. Sharn with his 24/7 business, living out the back with his kids, his wife and mother. All of them working in the shop, his kids starting early, and although we all went to the same school, we steadily avoided each other, knowing that a sort of intimacy through the shop could somehow betray us. I think about how sad that was. What secrets did I really know? That they struggled? So did my mum both before Dad left and then much more so afterwards. It was all too hard to navigate, easier just to disconnect.

I pay for the Fanta and the chocolates, ask Sharn about his mother, who I then instantly remember has already passed away. I tell him I thought she was lovely, because she was, although I don't remember a single conversation I ever had with her. Sharn's mother never spoke any English, but she sometimes would look at you like she understood the intricacies and privacies of your sadness. I shiver at what she must have known about my parents.

## THEN

Johnny carries in the last Tesco bag of books and puts them by my desk. He has looked uncomfortable all day at Cambridge, but now here in my room he fills the space. He's strong, so he's made good time unpacking. Too-good time. There's a silence that none of us can fill. I sit on my bed, feeling melancholic; I know Johnny can tell.

He speaks almost too cheerily. 'Well, that's the last of it!'

I look up at his face. I can't say anything. He knows, though.

'Gonna miss you, kiddo.'

I feel my eyes hot and bite my lip, so I won't cry. I don't want to be pathetic. I gather my thoughts and toss my hair back.

'Yeah, sure you will, you'll never have to share the remote!'

I want to keep up the bravado, but the thought of Johnny and Mum leaving is suddenly too hard. Mum is putting a few last things into my tiny fridge, her back to us. I look at Johnny and I can't help myself.

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'Think I'll make any friends here?' I try to sound cool, but it comes out as a plea.

Johnny quips back quickly, 'Not a chance.'

He knows how to make me laugh. He comes over and pats my hair, then awkwardly moves in to hug me. It's exactly what I crave, but this is not what our family does, so it's a brush of my back. It's enough, though.

Johnny tries to keep things light; he points over at his old BMX that he's letting me have to get around Cambridge and the local area. 'Don't let anyone steal my bike, OK?'

I want to laugh because we both know that bike is worth nothing, but keep my mouth firmly closed, nod at him. If I move anything more, I will cry. He avoids looking at my face, probably to save me the humiliation. Mum is busying herself washing a glass in my sink.

Johnny speaks at the wall. 'Show 'em what you're made of, Tess.'

Silence, then I dare to voice exactly what I am thinking. 'Johnny? Maybe I shouldn't . . .'

Johnny looks alarmed. He doesn't like this vulnerability. It's spoken, which is not how we do it. 'Hey! You've got a fucking good brain, Tess. We can't both be stuck painting houses.'

I roll my eyes at him. It's generous of him to acknowledge his own lack of options.

'You'd be so rubbish at it if you had to, anyway!'

I laugh.

Mum comes over and hands me some sandwiches. 'For when you're hungry later.' She looks like she might cry.

I tell her, 'I'm eighteen, Mum, I'll be OK.'

Our family can't say *I love you*, but it's there, and in this moment I feel it so strongly it hurts. It feels sharper and more intense because we don't say it. Johnny's face is trying to shape