The Plaintiff

A Short Story

By Maryanne Peters

Peter Halsey answered the phone and Brian Teach wasted no time. “Pete, it’s BT. I have a quick professional question to ask of you. You can bill me for it, but I suggest that you hold back as there may be more work in this for you if things proceed. Can you spare me five minutes?”

Pete smiled. He knew Brian, or BT as he was known, well. They played squash sometimes. Nothing ever took five minutes with BT. But still he said – “Talk to me and I will tell you when time is up.”

“You psychologists know how to charge,” said BT. “But here goes. A few days ago, a woman walks into my office. I tell you; she is drop-dead gorgeous. I mean, a great body and legs that go all the way down, and blonde hair, big green eyes, nice tits, the whole package. So, she says something that knocks me to the floor … just about. You know me – I have practiced law long enough to think I can never be surprised by anything, but this is a shock. She says to me that she is really a guy, or used to be. She says that she is only a woman because of an accident.”

There was a pause. It was enough for Pete to be forced to say – “… Go on.”

“So, she used to be … well, I keep the names out of it, so say she used to Jack, and work in an industrial plant. There was an accident at work, and the employer has had to concede that the safety mechanisms were disabled for higher productivity. So, Jack suffered a head injury and says that he woke up with something called gender dysphoria.”

“I know what that is,” said Pete, into the hiatus allowed.

“So, Jack … or rather now Jackie, has fully recovered from the injury. The employer has found a new position for her, in the office on higher pay. So, they have offered to pay hospital care, pain and suffering and such, but are not offering much more. On her side she says that her life is ruined. She was a man who could have been a husband and father, and now she is a woman, only because this dysphoria thing has forced her to become that. But she says the dysphoria was caused by the accident – by her employer’s actions in disabling the safeties. So, my question - is that even possible?”

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“To be honest BT, I don’t know,” said Pete. The origins of gender dysphoria are not fully known, even though it has been intensively studied. But it would seem more likely that it is a condition more deeply rooted at the outset. It is more plausible that this Jack or Jackie, has always been transgender and has simply repressed it. If that is the case, then something that we call “brain injury loss of inhibition” may be behind this. What I mean is that, with the injury occurring, a pre-existing mental reality is revealed. I am not sure you can sue for that.”

“That doesn’t sound good,” said BT. “It is just that the employer is a big concern with a bad history of worker safety. They have deep pockets and would look seriously bad in court. This could be an easy win and a big payout, but I need to prove loss.”

“Like I say, proving that somebody suddenly turned dysphoric because of a blow to the head will be breaking new ground. I could see her if you like?”

“Thanks Pal. She is waiting outside so I guess we will talk it through some more.”

BT signed off with a promise for another game of squash the following week, and BT put down the phone. The file was thin, but that was the way he liked them. A few letters and some medical reports, the last one ending with the words “Miss Patricia Mahoney appears to have fully recovered from her head injury”. Not good – for him.

He buzzed reception – “Send in Miss Mahoney, please.”

He rose from his seat when she walked in. He did not always do that, even for women, but she was something special. It had amazed him before when she told him that she was not all female, but it seemed less believable today, in that dress, with her hair up in casual French roll.

Perhaps it was her height, or the strong features, or the fact that her femininity seemed so strong that it was like a slap in the face. This was more woman than any woman he had ever met, perhaps because of, rather than despite her origins.

“Jackie. Great to see you again. Take a seat. Let’s talk.” He liked to think that he had an easy charm with clients. He tried not to look at them as money, which of course, clients are.

“Thank you, Mr. Teach,” she said, in that husky purr which seemed to make everything she said like an invitation into her bedroom. “Have you made any progress.”

“Please, call me Brian,” he said – BT was reserved for friends. “Let me tell you what I have learned. Coffee?”

“No thanks,” she said, with lips that BT suddenly imagined were around his cock. He needed to pull out the file and pretend to read something. He needed to concentrate.

“The good news is that your employer has to concede liability. The problem is their opening offer reflects limited loss. They will pay damages but not compensating for ongoing injury. They say that you are better off than you were.”

“Being a woman is an injury,” she said. “I was a man and now I am not.”

“There is also the question about whether the injury caused your dysphoria or simply revealed it. This may mean that we will require expensive neurological investigation. And even if we find an expert to support our case, they will find another, or more than one, to say the opposite. A clash of expert evidence is a problem, and a costly exercise.”

“I understand that this is a contingency fee,” she said. “But you will be collecting something. Can’t we pay an expert?”

“I am thinking of another approach. It is what we lawyers call “causa sine qua non” because for some reason lawyers have to use Latin to confuse people. What it means is that we are saying whether or not the dysphoria existed before or not, it would not have happened but for the accident.”

“Okay,” she said, but with a hint of doubt.

“So, what I mean is that without the accident you would be a regular guy, just like me. But you are not and it is their fault. So, we have to detail how you suffer. You do suffer, don’t you?”

“I could have lived the life I was looking forward to, but now I am stuck in this life,” she said. There was a definite sadness in her face.

“Let me just make a note of everything you find intolerable about your present situation.” He pulled a pad from under the files and held his pen ready, and waited.

She looked at him. There was a pause.

“I like being a woman,” she said. “It is just that I was not supposed to. It is the dysphoria. I am now comfortable in my body, but only because of the injury.”

“I understand, but you can’t say that”, said BT. “We want damages. That means ongoing pain. That means looking in the mirror every morning after getting out of bed and saying …”. He looked at her. If he saw her every morning he would find it hard to get out of bed. “I mean if you were like a man who could never really look like a woman, rather than a woman who looks like she never could have ever been a man … that might be a tragedy we could sell. But you are just so goddam beautiful.”

“Do you think so?” she said. “Thank you for saying that.” Was she blushing? Whatever she was doing it was making him serious stiff under his desk.

“And then there is the better pay, and prospects for advancement that you may never have had working on the factory floor,” said BT.

“I do like my job at the moment,” she said. “My employer is trying hard to keep me happy, but that might not last when the law suit is resolved.”

“You shouldn’t even be working,” BT said. “Honestly, with looks like yours, and obvious class, well you should be a trophy wife for some rich professional …”. He was going to say “like me” but he restrained himself. He had been disciplined before for an affair with a client soon after his wife had walked out. He was more careful now.

“If you were struggling with something then I would be optimistic about a big payout, but instead we are the ones who are struggling here.” BT was not always one for such honesty, but something in him said that she deserved it.

“What can we do?” She looked disappointed. It was not the way he wanted her to look – not ever.

“I can go back and suggest that they pay a larger sum for pain and suffering. I will talk about the fact that you can never have children of your own blood, although so many women seem to be in that position these days. I should get us a good deal. Better than going to trial on this. I am sorry Jackie, but that is my assessment.”

“I understand,” she said, looking a little crestfallen.

“I really shouldn’t do this,” said BT drawing a breath. “But, after you have signed a formal instruction to ne to settle on those terms, would you consider having dinner with me?”

Brian Teach had already decided that this the woman he needed in his life. To hell with the Bar Association – he was not going to let her get away.

And Patricia Mahoney looked at him in a new light. She could see in his eyes something that every woman really wants – adoration. And casting her eyes around his office, she saw that other thing that women crave – security in wealth.

She thought to herself – ‘it really is better to be a woman’.

The End

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Erin’s seed: “A woman goes to a lawyer wanting to sue the person who caused the accident saying that she really was a man before but now he's been turned into a woman. She's furious and the lawyer is keen, but …”.