

# Unforgotten

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# ONE

Hugh Gwynne arrived at the Royal Courts of Justice soon after nine thirty and made a quick inspection of the noticeboard and the location of Court 12 before stationing himself to one side of the Great Hall to wait for the rest of the team. The hall was more church than law, a vast Gothic cathedral of soaring arches and high stained-glass windows, designed to overawe. As clumps of people formed and dissolved, he shifted a little to maintain a clear view of the entrance, where a stream of barristers, solicitors and officials hurried in only to bunch impatiently at the security check. There was still plenty of time, but that didn't prevent him from feeling a nudge of anxiety in case one of the team should get held up, a tension heightened by the rarity of his trips to London and the unfamiliar surroundings of the Royal Courts. There had already been a scare late on Saturday evening when it looked as if their key witness Dr Ainsley might be delayed by a snowstorm in Chicago. Then Hugh's client Tom Deacon had called last night to insist on a case conference before court resumed, on a subject he refused to reveal in advance. The conference was meant to happen at ten, the hearing to resume at ten thirty, so when no one had appeared by five to ten Hugh allowed himself a more serious twinge of concern. Where had they all got to?

A minute later Hugh spotted Desmond Riley's round figure approaching at a leisurely pace, his gown draped over one arm, his briefcase swinging lazily at his side, and, close behind, Sanjay, dragging a wheeled case, his free arm full of documents. Leading and junior counsel, and no mistaking which was which.

'Oh, hello, Hugh,' said Desmond with a show of mild surprise, as if they'd bumped into each other by chance. 'Well, here we are again.' His tone, like his walk, was deliberately casual, almost off-hand, an affectation which Hugh had found disconcerting in the early days of the hearing, until he realised it was less a vanity than a disguise for the anticipation Desmond felt at the prospect of a stimulating day in court.

Sanjay smiled. 'Hi, Hugh.'

Hugh was on the point of asking after the latest addition to Sanjay's family, which had been imminent when they'd last met, when Desmond came in with: 'All set?'

Hugh said, 'We're just waiting for Tom.'

'Ah.' Desmond's face took on a distracted expression, as if clients, essential though they were, could be something of an unwelcome complication.

Hugh said, 'I'm sure he won't be long.'

Desmond made a show of looking at his watch. 'But do we really need a confab now? Can't it wait till lunchtime?'

'He was anxious to go through a few points.'

'Points?' Desmond echoed dubiously.

'I think he's been going over some of the witness statements.'

'Ahh.' Desmond managed to instil the sound with a breadth of meaning. 'He gave no indication of what these points might be?'

'No.'

There was a pause while they pondered the intricacies of dealing with Tom Deacon. For Hugh, who could never think of his client without a stab of sympathy intensified by a reflexive guilt at his own good fortune, Tom's wilder ideas and strange inconsequential obsessions demanded respect and attention, if, ultimately, firmness. The fact that Tom no longer trusted Hugh with his ideas, stubbornly guarding them for Desmond's scrutiny, was just another manifestation of the man's psychological injury, which was, after all, why they were here in the first place.

'It's nothing *urgent* though?' Desmond asked hopefully. 'Nothing that concerns this morning's business?'

'He didn't say.'

'Nothing in the way of new instructions as such?' Desmond persevered.

'Not that I'm aware of, no.'

Desmond glanced towards the doors, as if to emphasise Tom's non-appearance.

'He must have got held up,' Hugh said lamely.

'In that case, I think we'll go on ahead,' Desmond declared with a brisk smile. 'Perhaps when Tom arrives . . .' He passed this thought to Hugh with a lift of his eyebrows.

'I'll bring him straight up.'

'And if there's no time for the confab we'll hold it over till lunchtime, shall we?' Abandoning any last pretence of languor, Desmond moved rapidly away.

As Sanjay started to follow, Hugh asked quickly, 'Boy or girl?'

Sanjay gave a happy grin. 'Boy.'

'Wonderful news. Congratulations.'

Sanjay tilted his head in thanks and hurried off, only to turn back with an air of having forgotten his manners. 'And your son – did he get that university place?'

As with so many matters concerning Charlie there was no simple answer to this, and after a moment's hesitation Hugh called, 'Near enough anyway,' adding a baffled shrug, which Sanjay took as a show of fatherly modesty, but which caused Hugh a darting sense of disloyalty, as though he had damned Charlie's achievement with faint praise.

Finally, Hugh's trainee Isabel Mazzara came into sight with Derek, the firm's outdoor clerk, wheeling a porter's trolley of boxed documents.

'The traffic,' Isabel breathed, with residual anxiety. 'I knew London was bad, but . . .'

'Lots of time,' Hugh assured her.

'What's the news on—' Isabel broke off with a deep splut-

tering cough. 'Sorry.' She scabbled for a tissue and blew her nose. 'Thought I'd shaken this off . . .'

Isabel was a health and yoga devotee, who in her eighteen months at Dimmock Marsh had tried with gentle fervour to encourage Hugh into healthier lunching habits. Seeing her watery eyes and reddened nostrils, Hugh offered a sympathetic wince. 'Bad luck.'

Her naturally grave face, accentuated by a wide, slightly startled gaze, creased into an expression of concern. 'Just hope I don't give it to everyone else.' She snuffled into her handkerchief again. 'Did Ainsley's flight get in all right?'

'Yesterday morning. He said he'd be here by ten fifteen.'

He could see Isabel mentally assembling the documents that would need to be on hand for Ainsley's evidence. When she had ticked everything off to her satisfaction, her expression, always a mirror to her thoughts, registered the fact with a small gleam of relief. 'And Hugh – what do you want me to do once I've got things set up? Do you want me to come back and wait for Tom?'

'No.' It was unthinkable that anyone else should wait for Tom. 'No. If you'd just keep an eye out for Dr Ainsley. In case I miss him in the crowd.'

Needing no encouragement to get up to the courtroom and work out how best to arrange the documents, Isabel picked up her briefcase, only to set it down again and root hastily through her handbag.

Derek took a step forward. 'How are you, Mr Gwynne?'

'All right, thanks, Derek.'

'Mrs Gwynne keeping well?'

'She is indeed.'

'Still working for the Citizens Advice?'

'Yes. Keeps her pretty busy.'

'And the rest of the family?'

'Thriving.'

Having a good idea of what was coming next, rather hoping

to avoid it, Hugh made a point of looking away towards the entrance. But Derek had served thirty years in the Bristol police before coming to work for Dimmock Marsh and took a fussy proprietorial interest in events that impinged on his former territory.

‘No further news?’ he asked in a confidential murmur.

‘Sorry?’

‘From the local force?’

‘It was only a broken window, Derek.’

‘And fifty pounds in cash,’ Derek corrected him, in the manner of someone who likes to get the facts rights. ‘And some jewellery.’

‘It was costume jewellery, worth very little.’

‘You haven’t found other items missing subsequently?’

They’d had this conversation several times in the last two weeks, but going over old ground had never been a problem for Derek.

‘Nothing, no.’

Departing from his usual script, Derek declared, ‘Likely an addict then. They’re the ones that go for the cash.’

Hugh cast him a sharp look, wondering if he knew all about Charlie’s problem but was too polite to mention it.

But Derek’s bland transparent face was void of pretence as he said, ‘Likely as not someone known to the local lads if they’d bothered to take prints.’

‘They issued me with an incident number, Derek. That’s all you can expect nowadays.’

Derek’s doleful expression suggested that things had gone steeply downhill since his time on the force. ‘Well, if there’s anything I can do, Mr Gwynne, you know where to find me.’

‘Thanks, Derek.’

With a small exclamation, Isabel finally extracted a small packet from her handbag. ‘Here, Hugh, take one of these every two hours. They’re the best thing for warding off colds. They’ve got vitamin C and zinc and—’

‘No, you keep them, Isabel.’

‘But I can get some more at lunchtime.’ Conscientious to a fault, she would go without eating to scour the neighbourhood.

Hugh shook his head. ‘Really. I’ll have some extra chips instead.’

The cold or the stress had made her slow, she gazed at him in puzzlement.

‘Spuds are good for vitamin C, aren’t they?’

‘But chips aren’t—’ Then, catching his expression, she coloured slightly. ‘Here,’ she said, thrusting the packet forward. ‘Have one for now.’

Hugh took the pastille dutifully and, as Isabel set off with Derek to find Court 12, slipped it into his pocket.

Resuming his scrutiny of the entrance, Hugh searched for Tom Deacon’s taut discordant figure, his characteristic staccato stride: At ten twenty he decided Tom must have got lost on the Underground or badly misjudged the travelling time. Tom had talked vaguely about staying with friends somewhere beyond Putney, as if there was some region of south-west London yet to acquire a proper name. Though it was more than twenty years since Hugh had been articled to a firm of solicitors in Westminster, returning each evening to a cramped flat-share in Fulham, he was familiar enough with the layout of the suburbs to know that the rail links were few and far between. Tom had probably underestimated the time it would take to reach the nearest station, and the number of changes necessary, and the likelihood of delays due to points failures, bomb scares, and driver no-shows. Hugh only hoped he wasn’t suffering a full-blown panic attack.

To know Tom Deacon was to worry about him. In the four years since Hugh had taken on Tom’s personal injury claim, through all the setbacks and delays, the haggling and manoeuvrings with the other side, not to mention the numerous crises in Tom’s health and personal life, it seemed to Hugh that he had spent more time worrying about Tom than all his other clients put together.

Hugh called Tom's mobile, knowing it would be switched off on the advice of his therapist, who insisted he pick up messages no more than twice a day. Hugh left a message anyway, reminding Tom they were in Court 12, saying he might have to go on ahead.

A moment later his phone beeped, but the text wasn't from Tom, it was from Annaliese, Hugh's PA, to say she would be dropping off some urgent mail at his house that evening.

Hugh left it as long as he dared, then, two minutes before court was due to begin, started up the stone steps at a run, diverting briefly to the first-floor balcony to take a last glance into the Great Hall below. He was veering away when a familiar figure caught his eye. It was Tom, standing in the queue for the security check. Even in the shadows at the end of the hall he was unmistakable, the bony head, the hunch of the sharp shoulders, the ill-fitting jacket cut by the straps of his rucksack.

Hugh hurried down again and, overcome by affection and relief, strode across the hall to meet him. 'You've made it! Well done!'

Tom was too busy casting around the hall to notice his outstretched hand, so by way of a greeting Hugh touched his sleeve instead.

'Problems on the Underground?'

'Where's Desmond?'

'He had to go on ahead.'

Focusing properly on Hugh for the first time, Tom's eyes flickered with agitation. 'What about the conference?'

'It'll have to wait till lunchtime.'

'But I need to talk to him.'

'Court's just starting, Tom. It's ten thirty.'

Tom's frown contained puzzlement but also what looked like a more general confusion, and Hugh wondered whether he'd overdone his medication. It had happened a couple of times before, most notably on the second day of the hearing when Tom, giving evidence, had found it so hard to form even



the most basic sentence that the judge suggested he step down till another day.

'You all right, old friend?' Hugh asked, noticing the pallor of his skin where it stretched over the sharp cheekbones, and the sheen of dampness that clung to his forehead.

'Yeah . . .' Tom murmured distractedly. 'Yeah . . .'

'Anything you need?'

'No, I . . . just didn't sleep too well . . .'

'Always difficult in a strange bed,' Hugh said, knowing that Tom hadn't managed a good night's sleep in five years, ever since the road accident when, unable to free his four-year-old daughter from the overturned car, he had been forced to watch her burn to death. 'Look, do you want to go for a coffee first? Take a few minutes to—'

'No,' said Tom with sudden urgency, as if he'd finally understood how late it was. 'No, we should get up there!'

They moved off, Tom walking in long jerky strides, his eyes fixed doggedly on the floor ahead. 'What I've got to tell Desmond,' he said, 'it's very important.'

'Okay,' Hugh said. 'Why don't you tell me what it is, then I can pass him a note?'

But Tom was wearing the stubborn, harried expression that suggested he had other plans. 'It's . . . too complicated. I'll have to write it out.'

'Fine. So long as I can see it first.' Then, because this had sounded peremptory, never the best approach with Tom, Hugh added, 'You know how it is, Tom. Procedure.'

'I know the procedure.'

'Yes, of course,' Hugh said easily, as they started up the steps.

'It hasn't been *that* long.'

It had in fact been five weeks since the hearing had overrun its time allocation at Bristol Crown Court and been adjourned until the next gap in the High Court judge's peripatetic schedule. This week, the first available, had found the judge sitting here at the Royal Courts, so like a band of gypsies they had

struck camp and brought the caravan of lawyers, documents and witnesses to London.

'I've been working on the case non-stop,' Tom went on, with a hint of rebuke.

'I know you have, Tom.' And Hugh had batches of his typed notes to prove it, in duplicate, a set for him and a set for Desmond on which Hugh had exercised a certain discretion, either editing them heavily or omitting to forward them. More recently Tom had taken to calling Hugh in the evenings, sometimes quite late, to go over points they had covered a dozen times before.

Tom climbed the last few steps at the double.

Hugh said, 'We shouldn't have missed too much, you know. There's bound to be some preliminary stuff before they call the first witness—'

'Price,' Tom breathed derisively. 'Bloody Price.' Price, a former army comrade of Tom's, was giving evidence for the other side.

'It's not Price on first, Tom. It's Dr Ainsley. Price won't be on till this afternoon at the very earliest.'

Tom halted. 'But you said it was going to be Price.' The lack of sleep or the medication had lent his voice a childish whine.

'What I said, Tom, was that Price *could* be on first if Ainsley got delayed. But Ainsley's made it okay, so we're back to the original schedule.'

'For God's sake . . .'

'I said I'd phone if there was a change.'

'You said it was going to be Price,' he repeated reproachfully.

Tom had these little frets from time to time when events were crowding in on him and he was struggling to retain a sense of control. Hugh said reassuringly, 'Much better to start the week with a key witness for our side. That way we get to restate our case before Price gets into the witness box.'

Tom moved forward again, but cautiously, as if the day still

had the power to spring further unpleasant surprises on him. 'When will I be giving evidence?'

They had been through this on the phone as well, but Hugh answered as though for the first time, 'I'm not sure, Tom.'

'Tomorrow?'

'Umm . . . Desmond thinks, unlikely.'

'But as soon as Price has finished.'

'You know how Desmond is – he likes to see how things go.'

Stopping again, Tom said hoarsely, 'But you promised.'

'No, Tom. What I promised was that I'd put your request to Desmond – which I did. I told him you were keen to counter Price's evidence in person. Which he already knew from his last meeting with you. He's really very clear about what you want. But at the end of the day we have to let him decide. He's the advocate. He's the expert. He knows how to play it.'

Tom tipped his head back and held it there for a second or two before relenting with a slow expressive closing of his eyes, as if further argument would simply cost him too much in terms of nervous energy.

At times like this, Hugh felt the impossibility of comprehending what Tom's life was like, not just the battle to get through the day with its flashbacks and panic attacks, nor the nights with their jolting nightmares, but the fact that he was having to endure it alone. Two years after the tragedy Tom's wife had left him, taking the two remaining children with her, and now lived a hundred and seventy miles away with a new partner. To have lost his wife was bad enough, but to be separated from his children seemed unimaginable to Hugh.

'Okay?' he asked.

Tom sucked in a long breath. 'Yeah.'

As they walked on, Tom returned to an old grievance. 'I suppose there'll be a whole lot more crap from the other side.'

'Ainsley's going to be a strong witness. I don't think they'll manage to beat him down.'

'But they tied Munro up in knots, didn't they?'

It was partly true. Munro, a psychotherapist who'd treated Tom with cognitive behavioural therapy, had produced an excellent written statement, but under cross-examination had through inexperience or lack of confidence hedged his comments with so many ifs and buts that he'd appeared ponderous and uncertain.

'His evidence stood up okay,' said Hugh firmly. 'But we always knew the other side was going to throw a lot of mud, didn't we? It doesn't mean it's going to stick.'

'But that's all the judge gets to hear – crap.'

Like many people encountering the adversarial system for the first time, Tom kept taking it personally. The opposition's attempts to show that his troubles had started long before he witnessed his daughter's death, that he'd been suffering depression and undiagnosed post-traumatic stress disorder since his military service in Bosnia, never failed to unnerve him.

At the doors to the court Tom unhitched his rucksack and paused to straighten his shoulders and take a series of deep, snatched breaths, like someone who's been taught relaxation exercises but hasn't quite got the hang of them.

'You realise Price may be sitting in court,' Hugh said.

Tom gave a tight nod.

'Well, play it cool, eh? Don't give him the satisfaction of letting him get to you.'

'Sure,' Tom murmured. Then, allowing the idea more room in his mind, rallying to this vision of himself as a man in control, he gave a more definite nod. 'Yeah. Sod him.'

His gaze had turned hard, his voice flat and unreadable, and for a moment he might have been the Tom Deacon of four years ago, sitting in Hugh's office, asking him to take his case.

It was the time immediately after Hugh's old firm Dimmock Warrington had merged with the up-and-coming Marsh & Co. While Hugh hadn't opposed the merger, he hadn't seen much point in it either and had been judged behind the times for

saying so. According to the forward thinkers, standing still was no longer an option; the firm had to grow or die. In the old set-up it had never been thought necessary to have a corporate objective; it was taken for granted that the firm would do the best possible job for its clients while providing a decent living for its partners and employees. But the newly formed Dimmock Marsh was made of more ambitious stuff and had rapidly acquired a mission statement, to become the top firm in Bristol and the West, or as the slogan-writers had it, The Best in the West. Specialisation and expertise were the new watchwords. Generalisation was regarded as a necessary but unprofitable sideline. Of the nineteen partners in the merged firm Hugh was one of only three not to answer the call to specialise, preferring to stick to the traditional hotchpotch of conveyancing, wills, probate, and contract: what he liked to call high street law, but which was now termed private client work. Under the new regime Annaliese was required to ask potential clients the nature of their business in advance so they could be directed to the appropriate specialist. But Tom Deacon had refused to disclose his reasons for coming to see Hugh, so, on welcoming him into his office that first day, Hugh was expecting to hear about some kind of dispute, with a neighbour perhaps, or a business associate, because in his experience it was confrontation that made people secretive; that or shame.

Tom Deacon was about forty and painfully thin, his neck scrawny inside the over-large collar, his jacket swimming on jagged shoulders. But most striking at first sight was his face, the skin so tight over the bones that the course of the veins and sinews was visible beneath, while a sharp groove had formed under each cheekbone, as though the flesh had been sucked inwards and held firm by some invisible claw. When Hugh got to know Tom better, he wasn't surprised to find he was a heavy smoker and hard drinker who ate little and badly. But his immediate impression was of a man being consumed from within, as if by some voracious parasite.

Deacon sat down stiffly and, though the pristine steel-and-

glass decor shouted of a rigidly enforced no-smoking policy, he pulled out a cigarette. 'Okay, is it?' he asked, very much as an afterthought.

'Sure. I'll find an ashtray . . .' For lack of anything better Hugh emptied the papers out of his wastebin and placed it next to Deacon's chair.

Lighting up, Deacon fixed his intense gaze on Hugh. 'I was recommended to you.'

'Oh? Can I ask who by?'

But Deacon wasn't about to be drawn. 'A couple of people,' he said vaguely.

'Well . . . I'll try to live up to expectations. So what can I do for you, Mr Deacon?'

Deacon stared at Hugh a while longer, as if making up his mind about him, before beginning to speak in the dull monotone Hugh would come to know so well. Until last year he'd had a good life, he said: a wife, two boys of six and three, a daughter of four called Holly, and a regular job as a joiner and cabinet-maker. Then one day when he was driving Holly back from a birthday party a car came round a bend on the wrong side of the road and crashed into them, sending their car down a steep slope where it landed on its roof. Knocked unconscious, he came round to the sound of Holly's cries. He managed to unfasten his seatbelt and get out – the driver's door had been thrown open – but as he went to free Holly the car burst into flames. The rear door was jammed tight, he couldn't open it. By the time he got back to the driver's door the interior was an inferno, he was beaten back by the flames. He was in hospital for several weeks, he couldn't remember how long exactly. He had bad burns and a broken leg. When he eventually tried to get back to work he couldn't hold down a job. The other driver, an eighty-year-old farmer, had suffered a heart attack just before the crash, and died as a result of one or both. The insurance company had offered Deacon thirty thousand pounds in settlement, but if he couldn't work again then it wasn't going to be enough. He wanted to know if he could get more.