

## ILLUMINATING THE DARK: THE STORIES OF LOWELL B. KOMIE AND THE PURSUIT OF MEANINGFUL WORK

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I spent an entire summer sleeping in my tent with Lowell B. Komie and my cat. Every night, I'd leave my children and our house, and trudge out to the backyard, my pillow tucked under my arm, a flashlight in one hand and Komie's collection of short stories in the other.<sup>1</sup> I loved the coolness of the night air, the solitude and the silence—except for the rustling of the pine trees—the way the silver moon shone through the tent's clear plastic skylight. In the dark, under the green expanse of my sleeping bag, the flashlight illuminated the pages of Komie's book with warm yellow concentric circles of shadow and light. Tsenzin was wedged under my arm, purring, content except for flashes of feline annoyance—his brown ears flattened back ever so slightly—whenever I turned the page, and I had to turn the page. The stories were compelling.

But Komie's stories gave me law firm nightmares. So astutely did many of them describe the law firm culture, with its crunching mandates of conformity, its rigid hierarchy, demanding hours, mind-numbing work, life-draining competition over billable hours,<sup>2</sup> the sucking up, the pressure to make rain, its racism and sexism and easy alliance with the gods of power and greed—I found myself waking up in my tent, disoriented, distressed, and short of breath. Komie's stories had taken me back to my law firm days. It was twenty-seven years ago. I was a young associate at Rooks, Pitts. Where was my inhaler?

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<sup>1</sup> Lowell B. Komie, *THE LEGAL FICTION OF LOWELL B. KOMIE* (Chicago: Swordfish/Chicago, 2005) [hereinafter Komie].

<sup>2</sup> An associate will keep track on a daily time sheet of time spent on each client matter in increments of 6, 10, or 15 minutes, depending on the firm. An associate's "billable hours" can vary widely from the actual clock-in/clock-out time. For example, an attorney could get to the office at 9 a.m., and leave at 6 p.m., and yet only bill 7 hours because of those 9 hours, because of lunch and breaks, or time spent on other nonbillable matters. Cory M. Amron, "Home Sweet Office: Law Firm Life," in Susan J. Bell (ed.), *FULL DISCLOSURE: DO YOU REALLY WANT TO BE A LAWYER* 61, 62 (Princeton, New Jersey: Peterson's Guides, 1992) [hereinafter *Full Disclosure*]. The law firm's expectations about how many annual hours the associate will bill dictates the length of the workday, and whether he or she must also work evenings and weekends, or both. For example, if the firm expects 1800 billable hours a year, and allows for three to four weeks of vacation a year, then the associate must bill 8 billable hours, five days a week. Depending on the type of work and the billing policies, it could take 8 to 11 hours a day to bill that 8 hours, so weekend and evening work is almost always required. *Id.* at 63.

After I graduated from law school, following some very bad advice given to me by some very well-intentioned people in the Career Planning Office (CPO), I took a job with a mid-sized law firm on LaSalle Street in Chicago. It was a big mistake,<sup>3</sup> one that I recognized almost from the beginning, but I was locked in because of a bad back and a pressing need for medical insurance. I started the job in the last week of May, and I remember confessing to my father over the Fourth of July weekend that I was miserable at the law firm. His response, “I’m sorry, but you’ll have to stick it out for a few years, at least to get enough experience to make the leap into another job, and into another insurance policy. Either that, or find someone to marry and get on his insurance policy.” I had already committed the latter folly and failed. Besides, it was unromantic—to get married in order to cover one’s self in insurance—instead of in kisses. But my father was right about my job at the law firm: I’d have to stick it out.

Truth to tell, in those three years at the law firm, I learned a lot about the practice of law, about writing memoranda and appellate briefs, drafting motions, taking depositions, and doing legal research.<sup>4</sup> I can’t say that I was poorly treated by the law firm. Indeed, I was treated very well by the law firm, particularly considering that I kept dipping out of the practice to have surgeries on my back. (I really did need that insurance.) Everyone was very kind to me, perhaps because I was physically vulnerable, perhaps because they needed a wordsmith. But it wasn’t a good match. I didn’t fit in. They knew it, and so did I. We could be gracious with one another because there was a tacit agreement that I would not be staying. No one wanted me to stay, and I didn’t want to stay. Then one day I discovered a hidden, narrow crevice in the rock, a fissure through which I could glimpse the groves of academe. I held my

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<sup>3</sup> The only part of the decision that I did not regret was the location. Chicago is a fabulous city, and I still miss it, even after years of living near New York. Almost all of Komie’s fiction takes place in Chicago. In an interview, Komie admits, “I have always loved Chicago. I was born here and have lived here most of my life. Most of my stories are either set here or set in Europe or elsewhere, the character is usually musing about Chicago . . . . My stories probably reflect the reality of practicing law here in Chicago, I hope they do.” *Lowell B. Komie: An Interview*, 25 *Legal Stud. F.* 223, 246 (2001) [hereinafter *Lowell B. Komie: An Interview*].

<sup>4</sup> Since I only practiced at the firm for a little over three years, most of my time was spent researching and writing; I almost never met a client. This is not unusual for a beginning associate in a large urban law firm. “Today starting associates have limited contact with their superiors, as they spend several years alone in a library researching and drafting memos. Client contact does not come until late in the game. The human thus becomes foreign and the notion of community dissolves in the bargain.” Robert J. Cosgrove, *Damned to the Inferno? A New Vision of Lawyers at the Dawning of the Millenium*, 26 *Cardozo L. Rev.* 1669, 1684-85 (2002).

breath, slipped through the crack, and left the law firm forever behind me. I escaped.<sup>5</sup>

For years afterwards though, I had law firm nightmares where I was an associate at Rooks, Pitts again, wading through dense commercial leases, reading Westlaw headings, billing hours I hadn't worked, trapped in a job I hated, a permanent member of a tribe I didn't want to belong to. Eventually, time worked the miracle of amnesia at all levels of my psyche, and even my dreaming self let go of the memories. The law firm nightmares were replaced by teaching nightmares—standing in front of a class, clueless about what course I am teaching—and then later by parental nightmares of unspeakable losses that never happened . . . yet. Over time, the law firm nightmares were eclipsed altogether, or so I thought, until last summer when I was reading Komie's short stories. Then, they came back with a vengeance.

The last thing I saw each night, right before I turned off the flashlight, was the picture of LaSalle Street on the front of Komie's book. Rooks, Pitts had been at 208 South LaSalle Street. I squinted at that canyon of buildings, and the rows of lights on either side of the street, with their twin, glowing orbs, and their stately progression towards the Chicago Board of Trade Building. I looked for myself on the front of Komie's book. I was worried that I had fallen back through time into that grainy black and white photograph. That I was standing in its dark shadows, or just out of sight, striding with purpose on my way to work at Rooks, Pitts. On the edge of sleep, I lost myself in an unhappy chapter of my past. Would I ever find my way home—to my life in New York, to my children, my students, to my tent, my cat?

Because my experience of Komie's short stories permeated my summer dreams and turned them into nightmares, I cannot now organize my thoughts about them into a linear progression. Similarly, I cannot seem to control the wandering self. She stumbles in and out of

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<sup>5</sup> Nothing about my story is particularly unique, except perhaps for the broken back and the ensuing insurance dilemma. Most academic law professors have retreated from the practice of law, putting them into what Stephen C. Halpern calls, "their own vulnerable predicament." Stephen C. Halpern, *On the Politics and Pathology of Legal Education (or, Whatever Happened to that Blindfolded Lady with the Scales?)*, 32 J. Legal Educ. 383, 393 (1982). Legal academics "are aberrational products of the system of legal education. Most of them succeeded as students at the nation's best law schools. Yet they did not follow their law-review colleagues into the large, urban firms. Rather, they rejected the practice of law opting instead for a very different life—life within the academy. There is an unmistakable irony in this fact." *Id.* For a discussion of how this crisis in identity has played itself out in the field of legal scholarship, see Stephen M. Feldman, *The Transformation of an Academic Discipline: Law Professors in the Past and Future (or Toy Story Too)*, 54 J. Legal Educ. 471 (2004).

my thoughts with her own demands and her own reflections. It is a tribute to Komie's art that she would not go away. Good literature always conjures up the wandering self. If words are working right, we find ourselves inside the sentences written by others, and in some instances, the sentences written by others come out after us in the night. Like the heavy, bruised petals of a Magnolia in late spring, the words drop off the tree and scatter on the surface of the water, then sink down, pulled by the fierce gravity of the unconscious, landing on the dark bottom where they dislodge some unarticulated thought or unexpressed emotion. If done right, the reader is always disturbed.

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A quartet of Lowell B. Komie's short stories captured my imagination: "The Interview," "The Ice Horse,"<sup>6</sup> "The Cornucopia of Julia K.,"<sup>7</sup> and "Burak."<sup>8</sup> The first three all deal with a problem in life that matters a lot to me: how to pursue meaningful work.<sup>9</sup> Komie's focus, and that of this essay, is narrower—how to help law students pursue meaningful work—but their application can be generalized. Law students are just one species of young people trying to find their way. All young people are hacking through the brush, the low-lying vegetation, the dead branches, the detritus of last year's growth and discarded dreams. The process of making a path is the same, no matter what kind of trees make up their tangled wood. Komie and I are interested in the process of pursuing meaningful legal work because those are the trees we've come to stand under, but it makes no difference, the canopy.

One reason I admire Komie so much is that he writes about work. Work gets too little attention from artists. Perhaps it is because the work of artists is so different from what most of us do, they cannot imagine what our lives are like, with regular, long hours, the scrutiny of bosses or partners above us, the interruption of phone calls, the pressure of deadlines, accountability for time and money spent on behalf of the client or organization, the rhythm of the work week, the weekend, the work week again. Artists usually work in solitude, without the constraints of an institutional framework, without the pain and the plea-

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<sup>6</sup> "The Ice Horse," in Komie, *supra* note 1, at 23.

<sup>7</sup> "The Cornucopia of Julia K.," in Komie, *supra* note 1, at 69.

<sup>8</sup> "Burak," in Komie, *supra* note 1, at 157.

<sup>9</sup> William H. Simon defined "meaningful work" this way: "Work is 'meaningful' when the worker experiences it as both a form of self-assertion and a point of connection and solidarity with the larger society." William H. Simon, *Ethics, Professionalism, and Meaningful Work*, 26 Hofstra L. Rev. 445, 448 (1991).

sure of other people to serve and please. Solitude and freedom from institutional frameworks are luxuries that few of us can afford. Most of us work together in some sort of organized entity, and many of us—perhaps most of us—spend more hours a day at work than we do at home with our families. Not only does work take up most of our time, it has powerful symbolic value, determining our social and economic status and worth in the community. We identify with our work. The answer to the question, “What do you do?” often translates emotionally into, “Who are you?”

For lawyers, it takes years of sacrifice and vast expenditures of time, money and energy, to be able to answer, “I’m a lawyer.” I have discovered throughout my years in law teaching that many of my students made the decision to go to law school primarily because they liked the way that sentence sounded. Rarely has it occurred to them to contemplate what kind of lawyer they might want to be. They are often ill-informed about the many ways there are to practice law and naïve about what credentials and experience are needed. Later on, perhaps after a clinical course or a summer job, or perhaps because sixty credits have accumulated, they begin to grapple with these simple facts: “I’m actually going to graduate. I’m supposed to be doing something with this degree. I need a job.” From these simple facts, a set of worrisome questions flow: “What kind of law do I want to practice? Am I qualified for that kind of practice? What kind of institutional framework should I try to affiliate with? Who are my clients going to be? What exactly is it I’m going to do with this law degree?” The goal of being able to utter the sentence, “I’m a lawyer” is about to be met, but it doesn’t come close to answering these worrisome questions about how someone pursues meaningful legal work. That is where Komie’s short stories fit in.

I liked these three stories of Komie’s so much—“The Interview,” “The Ice Horse,” and “The Cornucopia of Julia K.”—because they had to do with interviews or offers for jobs in law firms, about young people who had been invited to cross the threshold of the law firm, looked around, didn’t like what they saw, and ran away. Those stories filled me with envy and regret. Why had I lacked the perspicacity of Susan Eliofson in “The Interview”? Or Cecelia Sandoval’s wisdom in “The Ice Horse,” garnered from only a few weeks spent inside the firm as a law clerk, a drone, a worker bee, before being formally asked to join the upper echelon of the hive?<sup>10</sup> What did they have that I didn’t, that they could

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<sup>10</sup> Cecelia’s opportunity to move up from night student/law clerk to associate was made possible because the law firm “needed her” in order to demonstrate its commitment to minority hiring. Aside from the move of associate to partner, there is little upward mobility in most law firms. Those who work as clerks or paralegals in law firms are almost

tell from before the very beginning that they didn't want to be there? Or what about the good fortune of Kim Bascomb in "The Cornucopia of Julia K."? Julia Kiefer was like a gargoyle perched on the drain spout of the law firm roof, her face grimacing as she had tried to frighten away the interviewee—away from taking a job with her law firm and possibly away from a wretched life. Where had Julia Kiefer been when I needed her?

For myself, I haven't thought about getting a job for a long time. I've taught in the same law school for almost 25 years. I'm at the stage of life where I no longer need a resume, just a curriculum vitae. But as the chair of our law school's Career Planning Committee and the mother of young adults, the process of getting a job has been on my mind.<sup>11</sup> Recently my sixteen-year-old daughter was motivated by lust for material goods to find employment. I drove her around our town while she selected retail establishments that she would deign to work for. As she turned in each completed application, the manager of the store would chat with her a bit. Did she like high school? What kind of hours was she interested in? Had she ever worked in a store before? The answers to the questions didn't much matter. He was looking to see if hidden criteria were met: Did she seem neat and clean? Could she speak a sentence? Did she appear to have enough brains to operate a cash register? What was the ratio of tattoo and piercing to smooth, undesecrated youthful skin? The job as cashier at a pharmacy lasted a week, but she held out for three months as an assistant in a chocolate store, dipping fresh strawberries into a thick dark brown brew. She used to stash her multiple failures into a storage-sized baggie provided by her mother who had a weakness for the rejects—ruby red berries incompetently encased in chocolate. I was sorry when that job came to its inevitable end, but she soon found another working at the library. It

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never offered a position as an associate. As one Career Services Director put it, "Once you are identified in a particular role in a law firm, it's very hard to change people's minds. It's not fair, but that's the way it is." Kimm Alayne Walton, *THE DESI OF THE JOB GODDESS 45* (Chicago: Harcourt Brace Legal & Professional Pub., 1999). "[N]owadays you're about as likely to spot Elvis at a Seven-Eleven as you are to make the move from paralegal to associate at a large firm." *Id.* at 44.

<sup>11</sup> By 1984, every accredited law school in the United States had a career placement or planning office, Abbie Willard Thorner, *Legal Education in the Recruitment Marketplace: Decades of Change*, 1987 Duke L.J. 276, n. 1 (1976). Harvard Law School established the country's first formalized placement office after World War II; by the early 1970s, there were about 25 formal placement offices. *Id.* Career planning offices were a response to an increased interest in law school after the 1960s, the supply of new lawyers regarded law "as both a means and an end in a socially active time." *Id.*

suit her better, but the fringe benefits, from my point of view, were inferior.

When you're young, and there's not much at stake, getting a job, losing it, getting another job, is a fluid process. But for the aspiring law students who show up in our Career Planning Office, getting a job as an associate in a large, urban law firm is a solid endeavor, as dense as a paper weight. No one waltzes into the front door with a resume and expects to be interviewed and hired on the spot. Becoming an associate in a large firm consists of a highly ritualized set of ordeals, involving multiple levels of screening, from an on-campus interview to the "fly-back," a visit to the firm itself,<sup>12</sup> culminating in a probationary courtship period known as the summer associate program "whose main purpose is to lure top students in the hopes they'll accept permanent offers when they graduate."<sup>13</sup> For two months, the summer associate is invited inside the firm to research and write memoranda, wear the right clothes, and demonstrate that she has the requisite legal ability, work ethic and social savvy to be a productive member of the firm. In turn, the law firm pays her an exorbitant salary, wines and dines her in the finest restaurants, and scrutinizes her every move.<sup>14</sup> If all goes well, and the hidden criteria are met, a permanent offer of employment will be forthcoming in the beginning of the law student's third year.

Not every law student is considered for a summer associateship—only the very stellar need apply. Unlike the rough and ready criteria for the would-be cashier or strawberry dipper, the law firm will only interview those students whose resumes reflect a certain numerical profile. The law student must have acquired a certain grade point average to land up in the top ten per cent of her law school class—and the law

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<sup>12</sup> Here is a description of a "flyback:" "Very shortly, you receive an invitation to visit the law firm's office at the firm's expense. You fly into town the night before, and reservations are held for you at one of the best hotels. Several of the attorneys take you for dinner. The next day you go to the firm's office and interview with several more attorneys. Lunch will be at one of the private clubs that the firm's attorneys frequent. You have more interviews in the afternoon and then fly home." Carolyn Ahrens, *Step Up to the Bar: Surviving Law School*, in *FULL DISCLOSURE*, *supra* note 2, at 13, 22.

<sup>13</sup> Kimm Alayne Walton, *GUERRILLA TACTICS FOR GETTING THE LEGAL JOB OF YOUR DREAMS* 69 (Chicago: Harcourt Brace Legal & Professional Publ., 1999). As Walton points out, the "aim isn't primarily to get work done! This explains the wining and dining and sky-high salaries you associate with these summer programs." *Id.*

<sup>14</sup> In summer associate programs, "large firms compete shamelessly to show top students how wonderful legal practice is." Martin E.P. Seligman, Paul R. Verkuil & Terry H. Kang, *Why Lawyers Are Unhappy*, 23 *Cardozo L. Rev.* 33, 44 (2001). The authors go on to state that summer associate programs contribute to discontent and resignations of young associates, "since they can create a false reality, one where the firm is portrayed as an entertainment center rather than a work center." *Id.*

school itself must rank in the top whatever percent in U.S. News and World Report.<sup>15</sup> The applicant's resume should also reveal a history of acquiring such numbers. In order to get into the elite law school, the student must have garnered an impressive undergraduate GPA and soaring score on the LSAT.<sup>16</sup> Numerically stellar students from numerically stellar law schools—those are the lucky few who get to become summer associates. And only those who become summer associates—and prove themselves worthy—get to become the stars that shine in the law firm sky.

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Susan Eliofson is a law student from the University of Wisconsin who is looking for a job as a summer associate in Komie's short story,

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<sup>15</sup> The most prestigious law schools are known as "national law schools." Mark P. Cardinalli and Paul D. Hoskins, "Wheel of Fortune: Choosing the Right Law School," in FULL DISCLOSURE, *supra* note 2, at 137, 138. National law schools "generally have a broad reputation outside the state in which they are located and do not emphasize the law of that particular state. A nationally known law school offers greater access to a national network of job opportunities and is more apt to have law firms and corporations from across the nation participating in its on-campus interview process. A smaller or lesser-known school is more apt to attract only local or statewide firms or perhaps not even to have on-campus interview opportunities." *Id.* For example, to be interviewed at the New York firm of Wachtell, Lipton, Rosen & Katz, "applicants must have at least an A- grade point average from the top law schools. Though one person believed that the firm may consider B+ students. . . . About 75% of the 1997 summer associates attended Chicago, Columbia, Harvard, New York University, Stanford and Yale. The remaining 25% were from other schools across the country. One contact told us that 'the firm only recruits at certain schools, and offers positions to qualified people from other schools only rarely.'" Francis Walsh & Sheila V. Malkani (eds.), THE INSIDER'S GUIDE TO LAW FIRMS 331 (Washington, D.C.: Mobius Press, 1998)[hereinafter THE INSIDER'S GUIDE TO LAW FIRMS]. For a defense of the rating system in U.S. News and World Report, see Mitchel Berger, *Why the U.S. News and World Report Law School Rankings Are Both Useful and Important*, 51 J. Legal Educ. 487 (2001).

<sup>16</sup> The need to pursue and acquire high grades is part of the law student's psyche. According to empirical research on the psychological attributes of lawyers, these traits are present in lawyers more often than normal: "aggressiveness, competitiveness, need for achievement and dominance, low self-esteem, fear expressed through awkwardness, paranoia, and insecurity, ways of coping with anxiety, inflexibility and intolerance for change expressed through authoritarianism." Susan Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 Am. U.L. Rev. 1337, 1417 (1997). The law student's need for achievement is based upon a lack of self esteem, leading to workaholic and perfectionism. "In law school, if law students equate self-worth with achievement, to the extent that self-esteem depends entirely on continual successes, a less-than-average academic performance equates with personal worthlessness." *Id.* at 1418.



"The Interview." In the first line of the story, we learn that Susan "was tired of the interviews,"<sup>17</sup> having already had twenty at the law school, and two fly backs, one at a firm in Indianapolis, and now another at a firm in Baltimore.<sup>18</sup> Before her interview at the Baltimore firm of Reavis & Ferris, she finds herself having drinks with Steven, a young man she had just met in the hotel dining room, an SEC lawyer from New Orleans. They get drunk, and he insists on taking her to see the lawyer fish at the Baltimore Aquarium. The huge, black lawyer fish with bulging eyes stares out at Susan through the thick glass wall, and giddy from champagne, she dares the SEC lawyer: "What will you give me if I dive into its tank?"<sup>19</sup> "A hundred dollars," Steven responds. Susan sizes up the situation, steps out of her clothes and lowers herself into the tank of murky, tepid water—"she felt like she had fallen into consommé."<sup>20</sup> She finds the lawyer fish lurking in the corner and reaches out, touching its side. The two hooded eyes of the fish peered out at her; then she kicked her way over to the ladder and thrust herself up the slippery rungs. "I can't believe I really did that," she gasped to Steven, "Did I actually do that?"<sup>21</sup> Before they part that evening, never to see each other again, they kiss, and the last thing Steven says to her was, "A woman who can go into a tank with the lawyer fish doesn't belong in the corporate army."<sup>22</sup>

The next morning, Susan Eliofson goes into another tank with some lawyer fish, and has a set of abysmal interviews with two partners in the

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<sup>17</sup> "The Interview," *supra* note 1, at 1.

<sup>18</sup> I do not think that I am going out on a very precarious limb to opine that Susan Eliofson was depressed. It comes as no surprise. In a study comparing law students to medical students, law students had a higher rate of psychiatric distress than either a contrasting normative population or a medical student population. Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 *J. Legal Educ.* 65, 69 (1985). Law students were also "in the range (perhaps slightly higher) of depressive disorders noted for the general population." *Id.* at 72. Women law students had higher levels of psychiatric symptoms than male law students. *Id.* at 71. "One likely possibility is that women as a whole may be more sensitive to the aggressive and nonsupportive nature of the law school experience, and respond with more psychiatric symptoms." *Id.* at 72. For first-hand accounts of the "general pattern of anxiety, fear of failure, and depression" felt by students in law school, see James R. Elkins, *Rites of Passage: Law Students: "Telling Their Lives,"* 35 *J. Legal Educ.* 27 (1985).

<sup>19</sup> "The Interview," *supra* note 1, at 3. When Susan climbs up the ladder at the side of the tank, she asks Steven, "How do I know he [the lawyer fish] won't bite me? . . . Do you think it eats people?" *Id.* Steven replies, "No it's perfectly harmless. Why don't you give him the hundred-dollar bill and see if he eats it?" *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 4.

<sup>22</sup> *Id.*

law firm in Baltimore. The first lawyer is so preoccupied with a series of phone calls about a souring settlement deal, he only asks her perfunctory questions that he doesn't hear the answers to. While he is on the phone, she feels something slimy crawling along her neck. She pulls it off her skin and holds it up—or down—to scrutiny. It looks like a black beetle, but she recognizes what it was: it is a leech with two droplets of her fresh blood clinging to its side. She takes a piece of Kleenex, gingerly wraps the leech within its folds, and shoves it into her coat pocket. In between interviews, she goes to the washroom, brushes her hair furiously, and scrubs all of her makeup off her face, creating the image of "a young nun."<sup>23</sup> Then, she rinses the Kleenex with water, replaces the leech inside his now-damp cocoon, and puts it back in her pocket. "For some reason she wanted to keep it alive."<sup>24</sup>

The second interview turns out worse than the first. The partner's name is Peter Lindauer. He is immaculately dressed in a gray flannel pin-striped suit, his shoes perfectly shined, his hair "scissored in neatly cut layers."<sup>25</sup> On his wall hangs a diploma from Harvard. His first question to her:

"What is your GPA now, Susan?"

"I think it's a 2.5 or maybe 2.6."

He blew on his glasses again and held them up. "I didn't know we were flying back 2.5's. We never used to fly back under 3.0"

"I guess I just hit it off with your interviewer."

"I really didn't know we were interviewing under 3.0"<sup>26</sup>

Susan then falls into a reverie about the twenty-five other on-campus interviews she'd endured in Madison, with the echo of the impatient male voice who upon his second or third question invariably asked her, "What is your GPA now, Susan?" The answer is not that she has earned a 2.5 in law school to date, but that she *is* a 2.5. She has become the average of a handful of professorial assessments of her performance on law school exams—a number that the registrar's computer has assigned to her as it shuffles mindlessly through the data on relative student ability.<sup>27</sup> She has been reduced to a 2.5.<sup>28</sup> To the interviewers

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<sup>23</sup> *Id.* at 9. I interpret this furious ritual cleansing as Susan Eliofson's withdrawal of her application as a summer associate. By the time she went into the second interview, she had lost interest in being there at all.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> There is every indication that the law student's GPA will be determined not so much by her academic performance as by the identity and idiosyncracies of the grader. In a study of grading differences among law school teachers, the data indicated that "teachers in the

from the law firms, that number marks her worth, just as the number of her annual billable hours would someday mark her worth to the firm, should it stoop so low as to make a 2.5 an offer.

It will not. Her other “fly back,” the law firm in Indianapolis, telephones her in the middle of the story to say thanks, but no thanks, and the Baltimore firm is going to do the same. Susan’s Eliofson’s numbers—her GPA, her LSAT, even her SAT—are not good enough to let her in the door of a large, urban law firm.<sup>29</sup> She has not proved herself worthy of the lengthier and more extended scrutiny of the summer associate program, and if she can’t get in the door as summer associate, she isn’t coming in at all.<sup>30</sup> That she was flown back for an interview at the firm, the second partner seemed to imply, was a mistake. She is just a 2.5, and that’s the end of the inquiry into what qualities she might bring to bear should she come to work for Reavis & Ferris.

But Komie lets us know that Susan Eliofson has other qualities. We find out that she’s funny; that she loves literature; that she knows Latin; that she’s fast on her feet; that she’s competitive; that she’s resourceful; that she has immense courage; that she could be a formidable opponent. Susan Eliofson may be just a 2.5, but she had the raw nerve to step out of her clothes in public and lower herself into the fetid waters of the Baltimore Aquarium. Susan Eliofson may be just a 2.5, but she had the presence of mind to calmly remove a satiated leech from her neck during

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same department gave wildly different grades, sometimes even in different sections of the same class.” Paul T. Wangerin, *Calculating Rank-in-Class Numbers: The Impact of Grading Differences Among Law School Teachers*, 51 J. Legal Educ. 98 (2001).

<sup>28</sup> In a short-lived radical student publication at Harvard Law School entitled the *Reptile*, the dehumanizing aspects of being reduced to one’s transcript was the subject of satire: “Mystified? Alienated? Just plain bummed out? You must have received your grades . . . Don’t feel alone, for you’ve just joined the league of identical students. We’re a homogenous, dehumanized, rather large group and our only formal recognition is our transcripts. . . .” *Grades are Random*, *Reptile*, Mar. 18, 1987, at 2, quoted in Note: *Making Docile Lawyers: An Essay on the Pacification of Law Students*, 111 Harv. L. Rev. 2027, n. 41, at 2036 (1998).

<sup>29</sup> After a few desultory questions about why she wanted to practice law and what her LSAT score had been (about mid-level), Peter Lindaur queried Susan on her competence as a consumer (“If you could buy any kind of a car, Susan, would kind of a car would you buy.” *Id.* at 10.) He then asked her the score on her SAT, a test taken by high school seniors to gain admittance to undergraduate school. My guess is that he kept looking for confirmation that Susan Eliofson was not only mediocre now, but had always been mediocre in the past.

<sup>30</sup> Acquiring the status of summer associate in a law firm is important since “most firms rely on their summer associate programs to fill their upcoming associate positions.” Carolyn Ahrens, “13 Steps Up to The Bar: Surviving Law School,” in *FULL DISCLOSURE*, *supra* note 2, at 23.

an interview and wrap it in a tissue. Susan Eliofofon may be just a 2.5, but she was clever enough to craft a moist environment to keep that leech alive and store it in her pocket. Susan Eliofofon may be just a 2.5, but she knew how to treat the partner who had just commodified her and found her to be an inferior product—and who had demonstrated a total lack of regard for her feelings by telling her so. While he was on the phone, his back turned, she reached into her pocket, pulled out the damp Kleenex, and cautiously released the leech onto the collar of his suit. As it undulated towards the golden hairs on the back of Peter Lindauer's neck, Susan Eliofofon thanked him, and left. Oh, the sweetness of bloody revenge. To my mind, Susan Eliofofon is a lot more than just a 2.5. She's an awesome person, and she'll make an awesome lawyer. She could come and work for me anytime.

Even if Reavis & Ferris had hired her, I doubt seriously that Susan Eliofofon would have thrived in the law firm environment. She would have hated working for the likes of Peter Lindauer, a man who was unable to see the true value of a person whose GPA he found wanting.<sup>31</sup> Like many before her, Susan Eliofofon would have become a defecting associate after a few years of law firm practice. All that said, she still would have benefited from working at Reavis & Ferris. She would have gained valuable legal experience that would have enabled her to find a job that she might find truly satisfying. She might also have paid off some student loans so that she could make some career choices without the burden of educational debt. Making good decisions when you owe money is like trying to dance gracefully with a heavy carapace of turtle bone strapped to your back.<sup>32</sup> Inevitably she would have hated her job at

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<sup>31</sup> Indeed, the emphasis on a high G.P.A. by elite law firms overlooks the fact that law students are in general a bright, hardworking subset of humanity. "Individuals who have made it as far a law school must be, at bottom, fairly decent students. In fact, most are extremely bright and conscientious." Bridget A. Maloney, *Distress Among The Legal Profession: What Law Schools Can Do about It*, 15 Notre Dame J. L. Ethics & Pub. Pol'y 307, 327 (2001). "Law students are generally successful people. That attainment of success is, in large part, what got them into law school. Most students in law school have had high academic achievement. In law school, however, things change. Not everyone in law school can receive an 'A' or make it onto the law review." *Id.* at 326.

<sup>32</sup> For an explanation of the serious burden of being in debt from financing a law degree, see Michael A. Olivas, *Paying for a Law Degree: Trends in Student Borrowing and the Ability to Repay Debt*, 49 J. Legal Educ. 333 (1999). Olivas surveyed data on the costs of law school, placement, the ability to repay, and the more aggressive behavior of banks and lending authorities to control defaulting behavior, and concludes: "The cumulative effect of these developments is that there is a dire threat to professional education, and that financing postbaccalaureate studies will become as substantial transaction for many students as purchasing their first home. This certainly does not bode well for higher education's traditional inequity-reducing powers." *Id.* at 333.

Reavis & Ferris, but hating a job for a season or two would be palatable if that job also provided valuable work experience, enhanced her marketability, and left her financially whole.

Not only did Susan Eliofson lose out because the interviewing partners at Reavis & Ferris were such dullards—Reavis & Ferris lost out.<sup>33</sup> She would have been a tremendous asset to the firm. Her cleverness, her courage, her sense of humor, her quick wit—they might not have understood her, but once there, Susan Eliofson would have proved herself to be a hard working and creative lawyer. She would have been more than tolerated at Reavis & Ferris—once there, swimming around in their tank, she would have become valued for her other remarkable qualities that did not manifest during the interview. Her mediocre GPA would have been forgiven, although perhaps not forgotten. She would not have fit in at the firm, and there would have been a tacit agreement that she was not going to stay, but the relationship between them would have been one of mutually profitable exploitation. Reavis & Ferris would have gotten a good lawyer for a few years, and Susan Eliofson would have strengthened her fins in the Reavis & Ferris aquarium. She could have worked on becoming her own kind of lawyer fish, not a black one with bulging eyes who lurked at the bottom, but a colorful one, perhaps brilliant blue and yellow, one that darted around, and moved swiftly through the water.

But it wasn't to be. The door at Reavis & Ferris was certain to be shut on Susan Eliofson's face. At least she had the satisfaction of leaving a memento of their brief encounter, an undulating leech on the fleshy neck of Peter Lindauer. We can only imagine how mystified and repelled he must have been when he discovered some wet and slimy creature sucking his blood. He would and never could have dreamed that it had been planted by the 2.5 he had briefly spoken to earlier that day, just as he would and never could have dreamed of what a terrific lawyer she was going to be.

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<sup>33</sup> One of my favorite stories about job interviews was told in a dedication to John D. Feerick, the dean of Fordham Law School from 1982 to 2002. At an open forum put on by the law school Career Planning Office, a student asked Feerick, who had once been the Chairman of Skadden Arps's hiring committee, how she should respond to a question about her prior job experience when all she had done was work in her parent's candy store. Feerick answered: "You learned something very important in that interview: you learned that you are too good to work at that firm. All of your training, experience, energy and ability deserve an atmosphere where you will be valued and appreciated." Robert J. Reilly, *John D. Feerick: Setting the Course*, 70 *Fordham L. Rev.* 2189 (2002). It would have been good for Susan Eliofson to have heard similar words of encouragement.

Cecelia Maria Sandoval's encounter with the large, urban law firm in Komie's story "The Ice Horse" was more sustained, and more damaging than Susan Eliofson's lousy morning of interviews at Reavis & Ferris. Cecelia was a young Hispanic woman enrolled in a night school in Chicago.<sup>34</sup> Along with her other two jobs—waitressing on LaSalle Street and working in a legal clinic in her neighborhood church—Cecelia is a law clerk for a firm's chief antitrust litigator, Edward Parkhurst. She had been in the job for about a month and felt more like a "night servant to Parkhurst than a legal assistant."<sup>35</sup> Instead of giving her any legal work, Parkhurst had assigned her the job of timing the runners of the firm's track team. The team practiced at night, running down Michigan Avenue while she sat on the snowy steps of the Art Institute with a stop watch, next to her one ally at the firm, Jeremy. As they watch the runners, Jeremy tells Cecelia that she'll get a job at the firm because they "need her." "They must have some minority people if they want to work for the city or the government. They need a census that shows at least one Latino, and you're it."<sup>36</sup> As the runners crossed the line, Cecelia stood watching them, "these young, white men. They reminded her of white deer running in the darkness, very graceful, very elusive."<sup>37</sup> Cecelia and her grandfather used to stretch a piece of rope across the path in the pine forest of the Sange de Cristo mountains and wait silently to stun the deer on the rope, enough so that her grandfather could, with a clean drive of the knife plunge it into the animal's heart. That's what the law firm's track team reminded her of in the snow at night as they lunged across the finish line. Laughing and "slapping each other on the backsides," Parkhurst "was as happy as she'd ever seen him."<sup>38</sup> As Jeremy explained it, he "just likes to compete."<sup>39</sup>

For all of his modern art, his classical music, the Order of the Coif, the pictures of his family on the office walls, Edward Parkhurst was a real cad. Snooping around his office, Cecelia learns that Parkhurst has probably been stealing money from the firm. To add to this, Parkhurst sexually assaults her, sticking his tongue into her mouth like a "fat,

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<sup>34</sup> Being Hispanic assures her minority status in a Chicago law firm. In a 1998 survey of the better Chicago firms, the percentage of associates who were Latino ranged from 1% to 6%. *THE INSIDER'S GUIDE TO LAW FIRMS*, *supra* note 16, at 89, 94, 97, 100, 104, 108, 111, 115, 119, 122, 125, 129, 132, 135, 140, 144, 148 (1998).

<sup>35</sup> "The Ice Horse," *supra* note 1, at 24.

<sup>36</sup> *Id.* at 26.

<sup>37</sup> *Id.* at 27.

<sup>38</sup> *Id.* at 26.

<sup>39</sup> *Id.*

slimy larva that had inserted itself inside the white pulp of a nut and was feeding on the pulp, slowly twisting into the soft meat of the inner shell.”<sup>40</sup> When Cecelia asks him for help with a client at the church clinic whose husband is at risk of being deported to El Salvador, Parkhurst tells her that the law firm “cannot afford to serve the Felipe Garcias of the world. If you are to work with us, you must understand this.”<sup>41</sup> Then, Parkhurst makes a proposition to her: If they were to “become friends, I will make an exception for your Mr. Felipe Garcia and I will help him.”<sup>42</sup> But of course, Parkhurst forgets. Mr. Felipe Garcia is deported, and Cecelia is left in the lobby of the church’s legal clinic with her arms around his weeping wife. That night, when she is once again assigned the bone-chilling task of timing the firm’s track team down Michigan Avenue, she toys with the idea of tripping Parkhurst by pulling taut the clothesline she’d been given for a finish line. But at the last minute, she drops the line in the snow.

The next night there is a dinner at the Hilton to celebrate the track team’s victory, and Cecelia is invited as a guest. They all sat very drunk around a table “laden with champagne and hors d’oeuvres and topped by a large horse sculpted in ice.”<sup>43</sup> One of the attorneys challenges each of them to climb the table to the top of the ice horse, and one by one, they do so, barely managing to hang onto the horse, and rolling off into the shrimp salad. Everyone was on the floor, “laughing and covered with food, and squirting champagne,”<sup>44</sup> when Cecelia in her ruffled silk dress, looked down at them, and “silently, gracefully, with almost no effort, ascended the ice horse and mounted it, wrapped her legs around it, and held her back very stiffly, and put one hand up. She sat there for a minute and then got down, and without saying anything, found her coat and left them forever.”<sup>45</sup>

She escapes. Hurrah! I found myself rooting for Cecelia Maria Sandoval as she mounted that ice horse, out-performing all the drunken men rolling around on the floor below her. Even more so, I found myself

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<sup>40</sup> *Id.* at 32.

<sup>41</sup> *Id.* at 31. When Cecelia suggested that the church might pay a small fee, Parkhurst answered, “No, we don’t want money from your church. We simply do not do pro bono work. It is an absolute rule of the firm. Some of the young lawyers do it on their own, but that’s their affair. Instead, we contribute money. We contribute to all the great charities of Chicago. To the university legal clinics, to the bar association legal clinics. In that manner, we discharge our responsibility to the community.” *Id.*

<sup>42</sup> *Id.* at 32.

<sup>43</sup> *Id.* at 35.

<sup>44</sup> *Id.* Jeremy once again separates himself from the others at the firm, and remains with Cecelia at the table, saying he doesn’t “want to try.” *Id.*

<sup>45</sup> *Id.*

rooting for her as she walked out the door. The harm done to Cecelia Sandoval was more profound than that done to Susan Eliofofson who had only to contend with rudeness, latent sexism, and the commodification of her worth. Cecelia had to contend with sexism, racism, and sexual exploitation. In Edward Parkhurst's eyes, she was only a woman, only a night student, only a law clerk, only a Latina. Nothing about Cecelia was worthy of his respect, and so he felt free to assign her the task of timing the firm's track team instead of giving her legal work, he felt free to push his larval tongue into her mouth, he felt free to sexually proposition her with promises he never intended to keep, and if he were to hire her, he'd feel free to treat her as a favorable statistic necessary to generate more money for him to steal. She was his moral superior, and she was more powerful than he, although he is clueless about that. She had almost killed him with that clothesline, and she knew about the pilfered cash in the drawers of his desk. A woman who could climb and ride an ice horse with both skill and grace might be able to bring Edward Parkhurst down if she so chose. Instead, Cecelia wisely applied her psychic energy towards escape. Perhaps she knew that if she became his accuser in the culture of that law firm, she would end up becoming the accused.

It's just as well. Unlike Susan Eliofofson, Cecelia Maria Sandoval would have never lasted even a few years at the law firm where she had clerked. She already knows—even though she does not know she knows—the kind of law she wants to practice. She wants to help people, and she is drawn to those in her community.<sup>46</sup> Only one generation back, her own family had struggled with learning a new language, with assimilating, with gaining citizenship, and making a new life for their children. She feels compassion for her clients in the law clinic at the church who have just arrived and are barely hanging on, at risk of being evicted, deported, or arrested. She wants to use her legal skills to make things

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<sup>46</sup> By virtue of the fact that she is a night student, I am assuming that Cecelia Maria Sandoval did not attend a national law school, but a "local and regional law school." Roger C. Cramton, *The Current State of the Law Curriculum*, 32 J. Legal Educ. 321, 324 (1982). Cramton points out that those students who graduated from local and regional law schools, the "less prestigious hemisphere," tend to provide legal services to "individual Americans in innumerable routine transactions and cases involving real-estate transactions, family matters, wills, personal injury, workers' compensation and the like." *Id.* The other, more prestigious, hemisphere, the one that Parkhurst belongs to, consisting of those lawyers educated in national law schools, "provides legal services to business organizations and the wealthy." *Id.* Cramton points out that there is very little movement between the two hemispheres, "a law graduate who starts with a corporate law firm will end his career in corporate law practice; and one who begins with matrimonial disputes is exceedingly likely to end there." *Id.* at 325.



better for them. How would she feel working on acquisitions and mergers or slugging through the dense verbiage of a shopping mall lease? Just as she does not—and cannot—make a connection with the white men who worked in the law firm, except for the hapless Jeremy, who is most certainly on his way out, so too would Cecelia have been disconnected from the law they practice. Parkhurst was disingenuous when he said that the law firm could not afford to serve the Felipe Garcias of the world. The law firm could afford to serve the Felipe Garcias of the world, but it chose not to. It would rather make money and guard the interests of corporate America.<sup>47</sup> As soon as Cecelia Maria Sandoval was given some real legal work, she would have figured that out, and the law firm's greed and insensitivity to the plight of others less fortunate would have offended her sense of justice. If Cecelia had not walked out of the Hilton on that night after riding a horse of ice, she would have walked out on some other night. She wouldn't have lasted long.

This time the loss is not bilateral. Cecelia would have been better off practicing law somewhere else, anywhere else. Not only would she be the first Hispanic associate, bearing the burden of breaking boundaries, but she would also have come in under the umbrella of a powerful partner who had already put the moves on her—moves that she was either going to have to reject or accept. Neither choice would have served her. If rejected, Parkhurst would have been brutal in his punishment of her. If she entered into a sexual liaison with him, it would have inevitably gone sour, and Cecelia would have ended up paying a high price for his indiscretion. There was no good way for that story to turn out, and she took the only prudent path—out the door.

The sad thing is Parkhurst's law firm would have greatly benefited from hiring Cecelia Maria Sandoval, and not because her presence would have boosted their profile for minority lawyers. More and more, with a global economy, law firms need bilingual lawyers who could have insight into the culture and language of some of their international clients.<sup>48</sup> Besides, Cecelia also had hidden qualities that might not register on a

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<sup>47</sup> "The large law firms of New York, Chicago, Los Angeles and San Francisco command an extraordinary share of the legal work generated by America's corporate behemoths. . . ." Timothy Hia, *Que Sara, Sera? The Future of Specialization in Large Law Firms*, 2002 Colum. Bus. L. Rev. 541, 543 (2002).

<sup>48</sup> For example, in the law firm of Baker & McKenzie that is a multi-national firm, applicants for the departments that concentrate on foreign trade, "must be fluent in a foreign language." *THE INSIDER'S GUIDE TO LAW FIRMS*, *supra* note 15, at 91.

resume.<sup>49</sup> She is intelligent, passionate, insightful, and incredibly hard working. As is the case with many students who go to law school at night, she not only held down two jobs, but she also found time to volunteer at the legal clinic in her church. That ability to gracefully keep multiple balls in the air bespeaks of a high level of organization, discipline, and commitment. During my years of teaching, I have met Cecelia Maria Sandoval, and I know that she would have had a lot to offer a large, urban law firm, just as surely as I know that a large, urban law firm would not have recognized her worth when she appeared upon its threshold.

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The third story in Komie's book about entry into a law firm, "The Cornucopia of Julia K.," does not involve a prescient interviewee, but an embittered interviewer. Julia Kiefer is a thirty-two year old securities lawyer with a downtown Chicago law firm. Nothing seems to be going right for Julia Kiefer—she is too thin, her hair is going grey, she hasn't yet bought any presents for her impending family Christmas visit, she drank too much the night before, she is twenty minutes late for everything, and her most intimate relationship in life seems to be with the asparagus fern that sits on her bookcase. To say that Julia is alienated from her legal career would be an understatement.<sup>50</sup> In the middle of a conference with several other lawyers on a securities fraud case, Julia Kiefer "closed her eyes." What she most wants to do is "get up and leave. She wanted to stop booking time. Empty time, time filled with absolutely nothing, time like the gray time inside a cocoon, a lacuna of time."<sup>51</sup> Julia storms out, and ends up back at her office, cutting inches off her hair all the way around, trying to hold herself together until she got on the plane

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<sup>49</sup> Alan M. Lerner argues that at the heart of what lawyers do is the exercise of critical judgment. Alan M. Lerner, *Law & Lawyering In the Work Place: Building Better Lawyers by Teaching Students to Exercise Critical Judgment as Creative Problem Solver*, 32 Akron L. Rev. 107, 111 (1995). Not only must lawyers analyze the law critically, they "need to communicate effectively, orally and in writing with people as different from each other and themselves as clients, government officials, judges, jurors, and experts in various fields. In today's multi-cultural 'global village,' lawyers will need to engage in difficult discussions about complex and contentious issues such as the law's relationship to matters of race, culture and gender." *Id.* at 111. Cecelia Maria Sandoval's ability to communicate effectively in a variety of universes would have inured to the benefit of the firm.

<sup>50</sup> The symptoms of alienation have been defined as "a sense of one's own weightlessness and ineffectuality and of the strangeness and impermeability of the social world." Simon, *supra* note 9, at 447.

<sup>51</sup> "The Cornucopia of Julia K.," in Komie, *supra* note 1, at 69, 73.

to go home for the holidays. Her secretary knocks on the door with an interviewee, Kimberly Bascomb, a young woman who when asked why she wants to be a lawyer, answers, "I think I really want to help people." The brief exchange between Kiefer and Bascomb that follows is instructive:

"This is a bad place to help people, Ms. Bascomb. We don't help people here."

The young woman was silent.

"This firm of eighty-five men and three women is not exactly the cutting edge of the legal profession, Ms. Bascomb." Julia held her scissors up. "We help hamburger corporations and toilet paper manufacturers, but we don't help people." Julia put the scissors down.

"I would still like to apply."

"I don't think you should," Julia said quietly. "In fact, I won't permit it. Go someplace else. Go where the sun shines occasionally. You can always come back and get yourself a tailored suit and a briefcase and be an advisor to chicken franchisers."<sup>52</sup>

When Kimberly Bascomb protests that Julia's becoming a partner in the firm is an accomplishment, Julia tells her not to be beguiled. Then, she takes some of her hair and drops it into a paper cone she had fashioned, and says, "Here, Ms. Bascomb, is a cornucopia of sorts. Take it with you. Someday, when you think about our meeting, you'll realize that I really gave you something."<sup>53</sup>

Kimberly Bascomb had an advantage that neither Cecelia Maria Sandoval nor Susan Eliofson had: she had another woman slightly further on down the pike warning her to stay away. It was as if Kimberly Bascomb had been teetering on the edge of Hell, and a madwoman whose feet were well planted inside had held up a sign in front of her face that read, "Lasciate ogne speranze, voi ch'intrate"—abandon all hope, ye who enter here!<sup>54</sup> Dante ignored the sign and forged on ahead through the vestibule of Hell, although he knew all along that he was only a tourist and had not signed on for eternity—not to mention, he had Virgil at his side if he lost his way. We don't know if Kimberly Bascomb heeded Julia Kiefer's warning to stay away. We don't know if she took her advice, only that it was given. As a character, Kimberly Bascomb was not that well developed; neither did she have to be. The story was about the disillusionment of Julia Kiefer—Komie was revealing something about the warner, not the warnee.

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<sup>52</sup> *Id.* at 75.

<sup>53</sup> *Id.* at 76.

<sup>54</sup> Canto 2, Dante. *INFERNO, LA DIVINA COMMEDIA.*

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The law firm nightmares from last summer's reading of Komie's stories triggered seismic tremors of anger from the ocean floor of my unconscious. Anger about things that happened years ago, anger about things I cannot now—and could not then—do anything about. I wonder sometimes if this isn't the plight of many women. Because there are so few models for the socially acceptable expression of feminine anger, we repress the emotion and then later, sometimes decades later, experience these bizarre time-delayed reactions. How else to explain why a happily situated middle-aged woman would be bemoaning the failure—almost thirty years ago—of the career planning counselors in her law school to warn her that working in a law firm could generate recurring nightmares?

When I had walked through the door of the Career Planning Office, why did no one suggest to me that there were alternative forms of legal employment?<sup>55</sup> As far as I could tell, everyone who hovered in the top quarter of our law school class was scrambling for the same thing: to become an associate in a large law firm in Houston, Dallas, New York, Chicago, or L.A. The Texas firms all sent on-campus interviewers, but for the cities further away, there was another procedure altogether. Up against the front window of the Career Planning Office roosted a large expanding file that students with certain numerical profiles were invited to throw their resumes into, and then the office would ship off the entire batch en masse. It was the requisite minimal effort that I could expend and still tell my parents on the phone that I was “looking for a job.” It meant that for several months in my third year, I received daily rejection letters from law firms I had never heard of. I thumb-tacked them up on the wall of my living room, drawing irreverent, often profane cartoons on them, underlining amusing lines, until the entire wall was a collage of letter heads and an astonishing array of ways to say thanks, but no

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<sup>55</sup> Partially, the answer lies in the kinds of employers who come on campus to interview. As the dean of one law school put it, “A perennial problem in law schools is how to provide career planning services to students who are not interested in working for those large institutional employers that are most likely to conduct the on-campus interview service traditionally provided by placement offices. Medium to large law firms, some federal agencies, corporations, and larger prosecutor offices are able to predict hiring needs in advance to be able to come to campus in the fall to hire for the next year . . . . However, those students interested in public interest, public service, and small firm jobs only began to be served effectively when we added a public interest/small firm coordinator to the Office of Career Planning to specialize in their needs.” Elliott S. Milstein, *Reflections in Brick and Mortar: Building a Vision, Realizing a Dream*, 45 Am. U.L. Rev. 947, 962-963 (1996).

thanks. I called it my Wailing Wall, although it generated more laughter than tears. If I'd had any sense, I would have been discouraged, but it was all a game to me. I figured that one day, some hapless law firm would fly me out or up or down or out or in, and I'd get a job. And then it happened. Lucky me.<sup>56</sup>

The desirability of working for a large, urban law firm was never questioned, and I was so ignorant, it never dawned on me to ask about alternative kinds of practice. After years of student loans and relative poverty, when opportunities presented themselves to earn big bucks, everyone—myself, my peers, my parents, the career planning counselors—we all seemed to agree: the more money, the better. As Komie himself remarked in an interview, law schools are sometimes used as “employment agencies by big firms who exploit students. The lure of big salaries is a disease of the profession. . . . I've seen too many young people attracted by these big firms and then discarded. Alternative lifestyles should be considered. Students need to think about smaller communities, opportunities for leisure, sports, culture. It doesn't matter how much money you make if all you do is work and have no time for yourself or your family.”<sup>57</sup> No one in the Career Planning Office ever breathed a word to me about alternative lifestyles. Because I could work in a law firm, it therefore followed that working in a law firm must be what I wanted to do. Opportunity became equated with desire.

All last summer, I ranted, I raved. Why hadn't someone insisted that I read Lowell B. Komie's short stories before I had started my job search? I ranted and raved some more. Then one night lying on my back listening to the plop, plop, plop of a light summer's rain on the nylon fly of my tent, I stopped short: If I'm this angry about what happened to me, shouldn't I be like Julia Kiefer? Shouldn't I be perched on the drain spout of the Career Planning Office roof and play the role of screeching gargoyle to every law student who wandered in with a resume, naively

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<sup>56</sup> Duncan Kennedy describes the placement process as another example of how the law school trains “for professional hierarchy.” Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy*, 32 J. Legal Ed. 591, 606-607 (1982). Law firms “structure entry into the profession so as to maximize acceptance of hierarchy.” By having most students get their “good job through twenty interviews yielding only two offers,” the law student who has finally landed a job at a firm feels “forever grateful” and that he has a “vested interest.” *Id.* at 607. Students who, like me, “paper dorm corridors with rejection letters or award prizes for the most rejection letters and for the most unpleasant single letter,” show their sense of the meaning of the ritual.” *Id.*

<sup>57</sup> *Lowell B. Komie: An Interview*, supra note 3, at 230. Komie was himself a refugee from big firm life in Chicago, where he felt he was a “slave to the ‘time sheet’ and to the senior partners.” *Id.* at 225. He chose to go into solo practice. *Id.*

thinking that she wanted to work in a law firm? Shouldn't I be warning her that law firms are bad places to help people?

No, I told myself. Julia Kiefer was disintegrating, and with the peculiar egocentricity of someone who is falling apart, she was thinking about only herself. Julia wasn't eating right, she was drinking too much, she was losing control, she was cutting her hair off during an interview. I did not want to associate myself with such mad behavior. I was also worried about the ethics of being a gargoyle, of potentially becoming a dream spoiler. What if the law student in the Career Planning Office had a genuine interest in and aptitude for the work she might do and the life she might lead in a large, urban law firm? Surely my negative experience had no claim to universality. How fair would it be to hold up a sign and impose my concept of hell on someone else? For all I knew, a large, urban law firm might turn out to be some other young person's idea of heaven.<sup>58</sup> Some lawyers obviously stay and find their work meaningful. Even if that turned out not to be true, maybe there were pressing financial reasons for taking such a job—just as there had been at one time for me.

Those who warn others about what course of action to take often operate from an unarticulated premise: "You are just like me." Julia Kiefer's advice was based upon such a faulty premise. She knew nothing about Kimberly Bascomb; it was disrespectful of her to warn Kimberly Bascomb to abandon all hope, you who enter the law firm, to tell her, "Don't-do-what-I-did." A better kind of advice might have been: "Know who you are, the kind of work you would like to do, and the kind of people you would like to do it for and with." That kind of advice begins with another premise altogether: "I don't know you or your circumstances. Only you know yourself and what you want, and if you don't know those things already, then find them out. Without self-knowledge, you will make a big mistake. Like me." Then if I were the advisor, my big mistake of going to work for a large, urban law firm would become a "for instance," instead of a blanket prohibition. Instead of telling the young

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<sup>58</sup> As Carl A. Auerbach reminds us: "However disappointing it may be to watch the decline in the number of law graduates entering public service and public interest organizations and government, it is not a law school's business to seek to allocate legal services in accordance with the views of its faculty. Law professors influence their students by their teaching, writing, and behavior. But respect for the autonomy of students and for their right and responsibility to choose for themselves demands that the teacher not try to direct student choice. Law graduates will go where they think their opportunities are the greatest. Their definition of an opportunity will be a product of their personal values and economic, social, and cultural factors beyond the reach of the law school." Carl A. Auerbach, *Legal Education and Some of Its Discontents*, 34 *J. Legal Educ.* 43, 65 (1984).

person, this answer is the wrong one, you show her how to ask herself a series of relevant questions, how to structure the inquiry, and come up with the best answer of her own, tailor-made for her interests, talents, and circumstances.<sup>59</sup> Just like effective teaching. Career planning is just like effective teaching.

That was an epiphany for me: Career planning is just like effective teaching. I found myself laughing, all alone in the dark, with the rain plop, plop, plopping on the nylon fly of my tent. It was almost identical to the epiphany of the year before—I seem to only be able to generate one a year. Last year's epiphany was the result of parental angst over my oldest daughter. She was refusing to attend her senior year of high school, and I was becoming like my own mother, authoritarian and absolute. Not only were my techniques ineffective, I didn't like myself. So I rearranged my attitude and suggested to her the following plan of action: "If you want to quit school, you can officially withdraw, but you'll have to get a job which means you need a skill. Needing a skill means you'll need to go to some place like a beauty academy. You like styling hair, don't you? If that's what you want, I'll help you financially. Why don't you look into the technical high school? See if you can get a beautician's license there." And so she did just that: she started an investigation, and discovered, somewhat to her dismay, that all of her friends at the technical high school told her to stay put and go to college. Besides, she wasn't interested in any of the courses at the technical high school, and she missed her honors English class. Before I knew it, she had chosen to return to high school, without much input from me. I was teaching her how to figure things out for herself, not trying to provide her with any answers. Parenting was just like effective teaching. That was last year's epiphany.

Career planning is just like effective teaching. Parenting is just like effective teaching. I made myself laugh. All these years, I've thought that I wanted to be a good writer, and now, as I grow older, I've been discovering more and more that what I really want to be is a good teacher. Before you knew it, I laughed to myself, I would convince myself that writing was just like effective teaching. But I didn't reach that third epiphany. I would have to wait for next summer's musings in the backyard for the annual insight. Besides, my solitary laughter had lured Tsenzin in from his nocturnal wanderings, and he was merowling at the zipper of the tent. A soaking wet Tonkinese cat, seeking refuge from the

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<sup>59</sup> One way to gain self-knowledge is to take a test such as the Myers-Briggs Type Indicator. See Vernellia R. Randall, *The Myers-Briggs Type Indicator, First Year Law Students And Performance*, 26 Cumb. L. Rev. 63 (1995).

rain—loving such a creature is not in the least like effective teaching. It takes a dry towel and a tolerance for wet paws on the flannel of your sleeping bag.

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Having ruled out the role of gargoyle, I began to wonder whether there was any way to use Komie's short stories to help law students pursue meaningful work. If I'm the chair of the law school's Career Planning Committee, is there any way to insist that our law students read Lowell B. Komie's short stories before they start their job search? What if we put a copy of Komie's book of short stories in the library of the Career Planning Office of the law school and require each law student who thinks that she wants to work for a law firm to read them first?<sup>60</sup>

My first instinct was to doubt the efficacy of that kind of coercion in the Career Planning Office. Many law students already have unrealistic expectations when they walk through the door. A service mentality pervades so many corners of the law school. Because the students have paid so dearly for this educational experience, they often feel the faculty and administration exist primarily to serve their needs. When they enter the Career Planning Office, many of them believe that the law school should hand them a job, delivered ceremoniously on a silver platter.

Inside the portals of the Career Planning Office resides a group of dedicated counselors who define their job differently. Their job is indeed to serve the students, but instead of handing their patrons a job, they help to narrow their interests and define their goals, to match their abilities with available legal work, to find jobs and internships during law school to build their resumes, to send them to the books and the

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<sup>60</sup> My questions could be said to loosely look at the relationship between law and literature, but I do not think this essay fits neatly into the usual "law and literature" categories. As Bruce L. Rockwood summarizes, traditionally the law and literature project expands in two directions: "First some scholars pursue the detailed study of specific texts and authors for the light they shed on the nature of law and its impact on our lives. Second, some engage in the systematic introspection required for the application of critical theory—to both fiction about legal issues and to the interpretation of legal texts as a form of literature—in an attempt to make a place for the law and literature movement within, or as a continuation of, modern and postmodern intellectual history." Bruce L. Rockwood, *The Good, the Bad and the Ironic: Two Views on Law and Literature* (Book Review), 8 *Yale J. L. & Human.* 533, 533 (1996). Clearly, this essay does not fit into the second category, and while it does ask about the light Komie's fiction might shine on the reader's choice of legal practice, I do not believe it ruminates or illuminates either on the nature of law, or law's impact on our lives. Many of Komie's stories, however, do both.



internet to discover opportunities on their own. Instead of being committed to finding the law student a job, the Career Planning Office is committed to helping the law student find a job. While the job search is collaborative in nature, the responsibility for the law student's future ultimately resides with the law student, not with the CPO.

In our law school, we tried changing the name of the office from the Career Placement Office to the Career Planning Office, presumably to disabuse law students of this service mentality—to tip them off that the Career Planning Office did not exist to dispense jobs by placing passive students into available slots. For one thing, the job market for young lawyers at the time was bad, and the available slots few; to use the term “placement” seemed like false advertising. More importantly, we wanted the name to better reflect the true nature of the service that it offered the student population. While we won't hand you a job on a silver platter, we'll help you create opportunities for yourself. Have you seen the library and our services on-line?

Even if we succeeded in steering the law student towards the actual and cyber-library in the Career Planning Office, there are norms about what kinds of books and materials should grace its shelves: directories of law firms, guides to judicial clerkships, books about how to finesse a job interview, first-hand accounts of experiences about different kinds of law practice. At least in our Career Planning Office, all of the books on the shelves are like that—earnest, dogged works of non-fiction written for earnest, dogged seekers of legal employment, with a smattering of those unremittingly upbeat, inspirational you-have-the-power-to-get-what-you-want books.

How would the patrons of the Career Planning Office react to seeing a book like Lowell B. Komie's on the shelf—a book of short stories—even if it were made available to them in a noncoercive manner? I suspect that such a book would look oddly out of place.<sup>61</sup> Short stories belong to the domain of the weekend, to the beach or the backyard perhaps, but not to the library of a professional school dedicated to helping students find a job. Finding a job belongs to the center of the week, to Monday

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<sup>61</sup> Reading fiction is antithetical to what Philip C. Kissam calls “the lawyer's way of reading.” Philip C. Kissam, *Disturbing Images: Literature in a Jurisprudence Course*, 22 *Legal Stud. F.* 329 (1998). “Our work as law students, lawyers and law professors tacitly trains us to read and interpret texts and society practices primarily or exclusively in analytical, instrumentalist ways. We tend to read, that is, searching only for useful bits such as the relevant facts, holdings or rules of cases that are useful in producing arguments, examination answers, documents or judicial opinions . . . . It may be that ‘the lawyer's way of reading’ is antithetical to reading habits that are necessary to appreciate and benefit from imaginative literature.” *Id.* at 330.

through Friday; reading short stories does not.<sup>62</sup> Short stories are not useful; they distract you from the business of life. Not only do they fail to impart factual information—they can shatter your equanimity. Who knows into what wilderness literature might lead you, far from the straight and narrow path? Would an over-worked, conscientious law student looking for a job ever believe that she has the time or the heart to read a short story with anything close to serious intent?

If she did actually read Komie's stories, would she be able to wonder herself into any of the futures that he has depicted for her? Or would she think that just because they were stories, they could have no bearing on her life? Hadn't Komie merely described incidents that happened to fictional characters named Susan Eliofson or Cecelia Maria Sandoval or Kimberly Babscomb—names that do not refer?<sup>63</sup> Would I have had the imagination to find myself in Komie's stories during law school? Am I being unrealistic to believe that reading them would have deterred me from working for a large urban law firm? If I'd never crossed the threshold of a large, urban law firm, would I now be able to appreciate how brilliantly Komie had recreated its milieu and the mental landscape of those lawyers who worked within? Am I able to find myself among the miserable young women in Komie's short stories because I have in fact been among them? Have I mistaken literary insight for the evocative power of memory?

The cynic and the writer in me must ask these questions. It is a version of the despair I feel when I go into a used book store and stand in the fluorescent twilight among the tables of discarded, discounted, unread, unwanted books and wonder: Why does anyone bother to write? Does the world really need more books? What difference does it make if someone has a thought, writes it down, and shares it with another

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<sup>62</sup> This was not necessarily always the case. For a description of the lawyer of the eighteenth and early nineteenth century as a "man of letters," as familiar with Aristotle, Cicero, and Shakespeare as he might have been with Blackstone and Coke, see Robert Ferguson, *LAW AND LETTERS IN AMERICAN CULTURE* (Cambridge: Harvard University Press, 1984). For an explanation of how two competing nineteenth century jurisprudential movements, formalism and legal realism, made the American lawyer turn his back on literature, see Robin L. West, *The Literary Lawyer*, 27 *Pac. L.J.* 1187, 1191-1194 (1996).

<sup>63</sup> Others do not share my gloom. For example, "No less important is that lawyer stories respond to law students' emotional need to connect their studies with their personal lives. Students are less likely to feel that their present work is irrelevant to their futures if they can see how academically acquired skills are used in the 'real' world. They are less likely to feel (or fear) that lawyers' work is largely the mechanical application of rules, or is otherwise unworthy, if they have read of the satisfaction that others have found in the law." Jamison Wilcox, *Borrowing Experience: Using Reflective Lawyer Narratives in Teaching*, 50 *J. Legal Educ.* 213 (2000).

person? Does it matter if another story ever sees the light of day? I haven't come up with any satisfactory answers to these questions, nor conquered the despair, but it doesn't really matter. The fact is I'm going to continue to write because that's what I do, not because I am convinced of its utility.<sup>64</sup> The real answer to these questions, at least for me, comes not from my experience as a writer, but from my experience as a reader.

Life has a number of magic tricks that never cease to thrill me: reading is one, film another, travel, love, babies, music, food. But reading is perhaps among them the most amazing to me—how the thoughts and mental images of one person can be hammered into sentences, and transmitted to another person far away, sometimes centuries after the hammerer has moved on. The restrictions of time and space are no barriers to this communication. I have never really understood how the process works, but on the printed page, locked in letters, some residue of spirit has been left behind in anticipation of me. It is an intensely personal relationship that is established between the writer and the reader—or if you are devoutly postmodern, between the text and the reader. Perhaps because I was a lonely child, that relationship often meant more to me than my interactions with other people. Even though I continued to live in the same white clapboard house in Columbus, Ohio, my life was always various and changing. Through books, I learned to live in different centuries, and in foreign lands; I sailed uncharted seas; I was exposed to new ideas and ways of thinking; I made friends and enemies. I had adventures. I loved and lost, and then loved and lost again. But the most important thing I learned from reading fiction was this: I was not alone.

When you are willing to set aside your own internal dialogue and submit yourself to the thoughts and words of another—to take the risk of reading—you come to realize that we are all related. You learn that what you considered to be private and unique, your own secret, perhaps funny or shameful ways of being are in fact shared behavior. It is an immense relief to find out that others are just like you. By allowing yourself to enter into the reality of another, you both lose and find

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<sup>64</sup> The despair that I feel over writing is even more acute when it involves writing a law review article which will surely languish unread; my own reprints often serve as very effective coasters. I like the solution of Banks McDowell who looks at the process: "When there is no clearly defined audience, I write for myself. I start with a problem that worries or intrigues me, for which I want to determine as clear or satisfying a position as possible. . . . I look for any channel willing to publish it, so that if there are others who might profit from my efforts to understand some part of the legal world, my ideas will be available. Thus scholarship becomes primarily self-education." Banks McDowell, *The Audiences for Legal Scholarship*, 40 *J. Legal Educ.* 261, 277 (1990).

yourself.<sup>65</sup> You come to identify with characters in a book, and that teaches you compassion. You come to care about what happens to them. You feel sorry for them, happy for them, sad for them, frustrated for them.<sup>66</sup> The emotions that you experience when you read a book feel familiar, and that familiarity confirms not only the universality of the human condition, but your own membership in the human family.

So for me, literature has always been a source of knowledge—about the world, about others, about myself. That insight trumps whatever cynicism I might harbor about the transformative potential of stories or whether the world would suffer if no one wrote another one. I truly believe that it's a good idea for law students to read short stories and other fiction about how lawyers lead their lives; that reading fiction will stimulate them into thinking about how they might go about leading their own lives.<sup>67</sup> But putting Lowell B. Komie's short stories on the shelves of the Career Planning Office is not the way to go. It's doubtful anyone will voluntarily pick them up, or if they do, take them seriously. Coercion is called for, but not in the Career Planning Office.

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<sup>65</sup> In the words of James R. Elkins: "When we read and take in a story, we honor the existence of other worlds. Some of us have difficulty seeing any world other than our own. We act as if the only world that deserves to be considered real is the immediate world of our own intentions and desires, the world of our own interests . . . . Stories take us out of the world we have made for ourselves and present us with the intentional world of some other—an author, another storyteller, another life. A story is an offer of other worlds of relation and possibilities, other contexts for human action, sentiment, and feeling." James R. Elkins, *The Stories We Tell Ourselves in Law*, 40 *J. Legal Educ.* 47, 53-54 (1990).

<sup>66</sup> I am aware that my claim here about the virtue of literature may deposit me into the category of what Jane B. Baron calls the "humanist law-and-lits," those who claim that "lawyers need to know more about human nature—especially about people different from themselves—than they can learn on their own and literature can be a source of knowledge." Jane B. Baron, *Law, Literature, and the Problems of Interdisciplinarity*, 108 *Yale L.J.* 1059, 1064 (1999). See also Jane B. Baron, *The Rhetoric of Law and Literature: A Skeptical View*, 26 *Cardozo L. Rev.* 2273 (2005).

<sup>67</sup> The logical extension of this belief is the idea that it also would be good for lawyers to read and discuss fiction about the practice of law, an idea that has been substantially ignored by most academics who write in the law and literature movement. One New York lawyer complained that the "greatest shortcoming in Law and Literature to date has been its failure to reach and engage the ordinary practicing lawyer. For the most part, law and literature has remained firmly entrenched in legal academia, its realm of origin. The shirt-sleeve lawyer is essentially untouched . . . . Reading and reflection upon books and plays that feature other lawyers as characters, and that explore . . . the role of law and courts in worlds such as Shakespeare's, Kafka's, and Flaubert's, can give lawyers a sense of pride, and perhaps provide them with insights into the role they play in their own society." Daniel J. Kornstein, *A Practicing Lawyer Looks Back on Law and Literature*, 10 *Cardozo Stud. L. & Lit.* 117, 117 (1998).

James R. Elkins has the right idea: make the reading mandatory.<sup>68</sup> To do this, we need to move the short stories and other fiction from its weekend domain and put the fiction right in the middle of the work week, into the mainstream law school curriculum.<sup>69</sup> Make them a valued part of the Monday through Friday routine, as worthy of as much consideration as any appellate decision the law student might prepare. Put them on a syllabus and assign them as required reading.<sup>70</sup> Elkins has done just that with his innovative course, *Lawyers and Literature*.<sup>71</sup> His course materials, extensive bibliographies, and many useful links to other materials on stories and story telling, can all be found at his website. I recommend that all law teachers and law students take a long look at his website—indeed that they take a long look at all of things Jim Elkins is doing out there all by himself in the mountains of West Virginia. In the *Legal Studies Forum*, the labor of love that he has edited for years, Elkins has created a place where lawyers can express themselves creatively, as fiction writers and as poets.<sup>72</sup> Through that publication, he has also introduced us to the work of John William Corrington and Lowell B. Komie—writers who were not in the mainstream, but whose waters were worth wading deeply into. Elkins demonstrates an unwavering faith in the power of the written word. I envy him that. He

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<sup>68</sup> James Elkins is the editor of the *Legal Studies Forum* and teaches law at West Virginia University where he offers a course he calls, *Lawyers and Literature*. The students are assigned the following novels: Camus's *The Fall*, Pete Dexter's *Paris Trout*, Harper Lee's *To Kill a Mockingbird*, and Walker Percy's *The Second Coming*. Besides reading some of Komie's short stories, he also assigns stories by J.S. Marcus, Margaret Atwood, Cynthia Ozick, and John William Corrington.

<sup>69</sup> Sometimes law students are assisted in their search for meaningful legal work by exposure to literature about different kinds of lawyers under the rubric of a more traditional Law and Literature course. Penelope Pether, who taught Law and Literature at Cardozo Law School, reflected on the lessons she learned in teaching the course, the first being, "Law and Literature studies were perceived as practical and useful in a myriad of ways for these upper class students struggling to negotiate the passage between law school and legal employment." Penelope Pether, *(Re)Centering*, 10 *Cardozo Stud. L. & Lit.* 131, 133 (1998).

<sup>70</sup> Robert Batey at Stetson University College of Law has experimented with using literary sources in the teaching of criminal law. For an account of how he used such texts as *Aeschylus*, Anthony Burgess's *A Clockwork Orange*, and Camus's *The Stranger*, see Robert Batey, *Literature in a Criminal Law Course: Aeschylus, Burgess, Oates, Camus, Poe, and Melville*, 22 *Legal Stud. F.* 45 (1998). For a discussion of the use of literature in a Law and Bioethics course, see Dena S. Davis, *Tell Me A Story: Using Short Fiction in Teaching Law and Bioethics*, 47 *J. Legal Educ.* 240 (1997).

<sup>71</sup> For a pastiche of the books covered in Elkins's course at West Virginia College of Law and one very perceptive law student's response to those books, see Deirdre Purdy, *Lawyers & Literature As My Mother Lay Dying, Spring 1997*, 22 *Legal Stud. F.* 293 (1998).

<sup>72</sup> *Off the Record: An Anthology of Poetry by Lawyers*, 28 *Legal Stud. F.* 1-732 (2004).

never seems to question whether crafting more words for people to read is a worthwhile enterprise. He's always ready for another story. On my days of despair about writing, I draw sustenance from Elkins's faith in literature, even though I cannot always muster that faith myself. Sometimes just knowing that someone like Jim Elkins believes that stories matter is enough for me. Sometimes it just has to be.

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The last of Lowell B. Komie's stories that captured my imagination was entitled "Burak." Burak is the name of the horse upon whose back Mohammed rode when he ascended into heaven, and the story that bears his name is a horse of a different color from almost all of the other stories in Komie's book. It is a very short story, only four pages long, and yet I suspect more of Lowell B. Komie is revealed in its twelve paragraphs than in the rest of the volume of short stories.

The darker side of life in the law is almost always portrayed in Komie's book. To stave off depression about my profession, I found that I could not read his stories all at once, but had to consume them in some measured fashion. Under the rip-stop nylon of my tent, flashlight in hand, I limited myself to one story each night. If I deviated from this strict diet, and tried to read two or three stories at one time, I became overwhelmed with the dissatisfaction that his more memorable characters felt about the practice of law. For a legal educator, it was a heavy weight to bear.

I never felt any impatience with Komie for that weight, however. Statistics bear out that lawyers are more unhappy about their work than a lot of other people.<sup>73</sup> Even if they weren't, the fact is writing about happiness and fulfillment is not only difficult, it frequently makes for dull reading. How a character comes to terms with stress and strain, with loss and adversity, is much more revealing, and compelling, than how that same character might deal with satisfaction and a sense of well-being. Julia Kiefer coming unraveled during a job interview is arresting. She commands my attention when she cuts off her hair and gingerly places her locks into a rolled up paper cone to hand to an aspiring job applicant. Were she to look into a mirror and say smugly to herself, "I am beautiful and successful and my life in the law is deeply fulfilling," I might say to myself, "Lucky her." But I wouldn't find myself drawn to her.

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<sup>73</sup> See Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 Vand. L. Rev. 871, 880-888 (1999).

It is her vulnerability, how her electrical wires have become frayed and exposed, that draws me to Julia Kiefer. I want to participate in her madness because it has more texture, more depth, more pathos, and more downright scariness to it than does her sanity. Similarly, would I turn my head at a series of thoughtful, courteous job interviews for Susan Eliofson? What would make me want to read about Cecelia Maria Sandoval's experience in a law firm if everything had gone well? Susan Eliofson's miserable job interviews and Cecilia Maria Sandoval's brush up with sexual harassment and racism are not cause for celebration; they do not speak well for the behavior of a few partners in fictional large, urban law firms. But I am acutely interested in what Komie has to say about what happened there, even if the story paints a grim picture, perhaps because the story paints a grim picture.

Komie's predilection for portraying the darker side of life in the law is undoubtedly more than an effort to engage the reader. It may just be in Komie's nature to look through the camera's lens with a critical, sometimes cynical eye. He has a keen sensitivity to injustice and the suffering of others; that conjunction inevitably makes for dark stories. Komie writes about what grabs his attention, and what grabs his attention is often the unfair, the stressful, the broken, the melancholy and remorseful. All of these sources of sorrow he finds imbedded in the everyday world of law practice, but if Komie had been a doctor or a teacher or an insurance salesman, his stories would probably still have the same poignancy and heavy weight. I suspect that's just the way Komie gives witness to the world.

Which is why I was so moved by "Burak." "Burak" is a ray of light that illuminates Komie's collection of rather dark short stories. On its face, it is a simple musing of a lawyer who describes his daily routine, his winter commute to his office in the Wrigley Building, his ruminations on the books he is reading, his cup of coffee with a colleague, his love of music in the park and of roaming through the ethnic neighborhoods of Chicago, the peace and quiet he feels in his office—all of this told with an immediacy and sensuality that none of the other stories possess.<sup>74</sup> When I first read "Burak," I said to myself, "Ahah, I have just found Lowell B. Komie."<sup>75</sup> I am fairly sure that if I were to say that to the person whose photograph is on the back of the book, he would brush me off—he would be neither interested in my search for Lowell B. Komie in

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<sup>74</sup> "Burak," *supra* note 1.

<sup>75</sup> Later, I learned in an interview with Komie, "If you want to know more about my life as a single practitioner, I might refer you to the story "Burak." *Lowell B. Komie: An Interview*, *supra* note 3, at 225.

his collection of short stories, or in my belief that I had just found him.<sup>76</sup> But that's OK. He could brush me off. I don't need his acquiescence in my endeavor to find the author. He could call it my own game of solitaire if that would make him feel better, but I know better.

It made me feel happy to find him in "Burak"—happy because he was happy. Here in the middle of a book about the myriad darker sides of life in the law, was a lawyer with a rich inner life, who moved with ease from reading Updike to Isak Dinesen, who was thrilled to watch the waves of pigeons taking flight as he listened to Schubert on his lunch hour, who found an aching beauty in the reflection of the lake and the ribbons of traffic on the glass panels of the new building across the street, who loved the pencil can of painted popsicle sticks his daughter had made for him, who took pleasure at contemplating the vivid blue of a painting on his wall, who gazed upon the portrait of his three children and a snapshot of his wife, their dog in her lap, who relished the breeze of his tiny portable fan as it blew through the softness of his office fern. Here was a lawyer who had been dazzled to learn that Muhammad had ridden to heaven on a winged horse with a human face named Burak, a "piece of information that has been floating in my mind for the last two days and I can't get it out. It's like a loose luminous chip."<sup>77</sup> Here was a lawyer who knew how to enjoy living. Here was a lawyer who was full of joy. I was inspired. In "Burak," I found a new place to imagine myself into—just sitting in a law office, and yet in a place of poetry, beauty, and mystery.

The message of "Burak" was clear to me: Don't let your work take over your life. Don't become like the crush of thousands of angry commuters at Union Station on their way to work who are "all caught up in our obsession with time, work, and order."<sup>78</sup> Remember to read books deeply and listen to music and gaze at paintings and grab a cup of coffee with your friend in a crowded, steamy diner, and on hot days in the summer go to the beach with your wife and children and pick up sea

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<sup>76</sup> From his interview, Komie indicated that he did not view his characters as real people, so even though he did indicate that this character in some way reflected his life, I feel certain he would deny it represented him. "Since I do not view my characters as real people it's difficult for me to respond. Perhaps I'm revealing one of my weaknesses as a writer. I am always shocked when people speak of a character in one of my stories as if the character were a person. I know that transference of some kind must take place for an engaged reader and when it does a character walks a shadowy line between reality and imagination. However, that transference does not take place for me as the author, and so I really have no idea how the people in my stories move within this world of light and darkness you so beautifully describe." *Id.* at 243.

<sup>77</sup> "Burak," *supra* note 1, at 158.

<sup>78</sup> *Id.* at 159.



shells and walk the dog at night and wander the neighborhoods of your city and thrill yourself with meditations on elegant, useless information—and when you are leading your life as a lawyer in your office, be happy to be there. Go to work and work well, but surround yourself with music and art work and photographs of the people you love. And don't miss seeing the way the sunlight touches upon the walls. Live a life in the law, but don't make the law your life.

“Burak” settled me down, and the law firm nightmares went away. I fell asleep those last few nights in my tent with confidence and no inhaler. I had nothing to fear from looking at the picture of LaSalle Street on the front of Komie's book. My unhappy days as an associate at Rooks, Pitts were long over; my youth was long over. I would not fall back through time into that grainy black and white photograph. I was not slowly moving through the dark canyon of buildings towards the Chicago Trade Building on my way to work. It was no longer my work. I was not who had I been before. Time had passed, and I had arrived safely on tomorrow's shore. Now tomorrow was yesterday.

My only worry was the cheap sleeping bag that I'd been comfortable in all summer; it suddenly felt too thin and lacking in goose feathers. The pine trees were shedding golden needles, the nights were lasting longer, and my feet and the tip of my nose were getting cold in the early hours of the morning. The cicadas were now raucous, with their chhhhhhhhhchhhhhhing sawing through the night, and the late August crickets surrounded my tent, singing their metallic song of the season's end. We were on the jagged edge of autumn.

The summer that I spent sleeping in my tent with Lowell B. Komie and my cat was almost over. Soon I would take the tent down, fold it clumsily, and store it in the garage. It was time for Tsenzin and me to return to the warmth of our house. I had a syllabus for Evidence to prepare and children to get ready for school—and Tsenzin had to follow me because I am the one who feeds him and gives him love. The book of Komie's short stories, slightly damp and well read, with a rebellious front cover, was coming into the house with us as well. I was full of admiration for his work, and I wanted to write about his writing.

But I would miss the moon. From past years, I knew that our relationship would soon shrink to short nods of recognition over our respective shoulders, me crawling in and out of my Subaru, chattering with children about how late we were, and she, bright and shining in the black winter sky, moving in and out of her shroud of white. We'll meet in the early summer when the earth has once again become warm and damp. The sound of metal on metal will be heard up and down our street as my brother helps me pound into the ground the dozen or so stakes that anchor my tent. Once again, Tsenzin and I will head out into the

night. I'll have a pillow tucked under my arm, a flashlight in one hand, and a book in the other. I look forward to it all: to the moon's splashes of silver light, to the coolness of the night air, to the solitude and the silence—except for the rustling of the pine trees—to the book I'll surely be reading, to my dreams, maybe even my nightmares, and to the pursuit of meaningful work.