

## Chapter Three

### Meditations on the Fictions We Live

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Story making is our medium for coming to terms with the surprises and oddities of the human condition and for coming to terms with our imperfect grasp of that condition. Stories render the unexpected less surprising, less uncanny: they domesticate unexpectedness, give it a sheen of ordinariness.

—Jerome Bruner, *Making Stories: Law, Literature, Life*<sup>1</sup>

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These fragments I have shored against my ruins.

—T.S. Eliot, *The Waste Land*<sup>2</sup>

*Julia Latham Kiefer*: “She saw her face in the enamel doors. The fragile, white, enamel face, a perfectly made-up geisha, gray eyes, lavender lipstick.”<sup>3</sup>

*Martha Levine*: “She had come on a long, painful journey from her social worker days.”<sup>4</sup>

*Alison Hirsch*: “She was to become the firm’s Jewess. She knew it when they hired her.”<sup>5</sup>

*Alicia Beauchamp*: “Judge Beauchamp went back into her chambers and locked her door. She had been away for, what? Four days? Now she was back and nothing had changed. Black is the color of justice. Black will always be the color of justice. She opened her desk and removed the

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<sup>1</sup> Jerome Bruner, *MAKING STORIES: LAW, LITERATURE, LIFE* 90 (New York: Farrar, Straus & Giroux, 2002).

<sup>2</sup> T.S. Eliot, “The Waste Land,” 73 (5) *The Dial* 473 (1922).

<sup>3</sup> “The Cornucopia of Julia K.” in Lowell B. Komie, *THE LEGAL FICTION OF LOWELL B. KOMIE* 69-76, at 72 (Chicago: Swordfish/Chicago, 2005) [all references to Komie’s stories, which have appeared in various venues and collected works, are cited as the story appears in *The Legal Fiction of Lowell B. Komie*].

<sup>4</sup> Komie, “Skipping Stones,” 61-68, 63.

<sup>5</sup> Komie, “Mentoring,” 47-54, at 47.

flowered scarf from the sandalwood box. She touched the silk scarf to her face and closed her eyes. The box would become the reliquary of her feelings for Rajiv, but life would not permit her that, and she knew that the texture of his presence was already disappearing and she was alone again.”<sup>6</sup>

*Frederick Marcus*: “Why was he flying a kite? He didn’t really know why he was doing it. The Tibetans flew kites out the windows of their lamaseries to try to communicate with the spirit of God. Why couldn’t a Chicago lawyer do the same thing?”<sup>7</sup>

*Charles J. Riordan*: “He did his own typing . . . . He didn’t have a word processor, but he had an old IBM Electric and hunted and pecked on envelopes and a few letters. The word processing service on the fifth floor did his wills. That’s what his practice had dwindled down to now, almost all small probate matters. He was good at drafting wills . . . .”<sup>8</sup>

*Carter Greenwald*: “Carter was good at drawing his wills and trusts. The language was precise, and he had honed them down to white bone, like finely rubbed scrimshaw.”

“When he looked from his desk across the room . . . he often imagined himself standing in the hills overlooking some exotic port city, looking down at the water and at the harbor. He knew, though, that he would never make it out of Chicago.”<sup>9</sup>

*William Fuerst*: “Now he was forty-five and very tired. He just didn’t give a damn. In fact, his head was leaking time and he was glad about it. He didn’t tell any of his partners about the time leak. He always now had the feeling that there was a slight hissing of air from his ears. No one else could hear it, though. A hiss of all the useless acts he performed every day. His vitality, his intelligence, his youth, all being drained away from this secret rent in his head. He knew there was a tiny leak in his head and he’d have to repair it. How to fix it, though, he didn’t know.”<sup>10</sup>

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<sup>6</sup> Komie, “The Honorable Alicia Beauchamp,” 161-173, at 173.

<sup>7</sup> Komie, “The Kite Flyer,” 231-238, at 231.

<sup>8</sup> Komie, “Investiture,” 141-150, at 145.

<sup>9</sup> Komie, “I Am Greenwald, My Father’s Son,” 77-87, at 79, 77.

<sup>10</sup> Komie, “The Balloon of William Fuerst,” 55-60, at 56.

Joel Greenfield: "You see . . . the fissures a man falls into, the darkneses, the hidden crevices."<sup>11</sup>

*Julia Latham Kiefer—Martha Levine—Alison Hirsch—Alicia Beauchamp—Frederick Marcus—Carter Greenwald—Charles J. Riordan—William Fuerst—Joel Greenfield—are fictional lawyers, characters found in the stories of Lowell B. Komie.*

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*Julia Latham Kiefer.* Julia Latham Kiefer is thirty-two years old, a trial lawyer involved in a securities litigation case.<sup>12</sup> We know something is off early on. Julia says she feels like she's "fallen into some kind of time trough"; she's always running ten minutes late. The problem escalates; she feels like she's constantly twenty minutes late—"an irretrievable twenty minutes."<sup>13</sup> Time-stressed. Time-deprived. Time-obsessed. Aren't we all running late? A condition of the times in which we live? So many of us—running late—are all tangled up in our confused and twisted notions about time. The question, put most simply, is, "what do we do with time and what does time do to us?"<sup>14</sup>

Julia Kiefer's time problem is easy enough to ignore, if it is nothing more than a common nuisance. But her sense of a time deficit turns out to be only one element in a constellation of disaffection with the life she is living. She attends a conference with other lawyers and becomes irritated at the compulsive behavior of her colleagues; she admits to herself that she doesn't want to be where she now finds herself. "She

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<sup>11</sup> Komie, "Podhoretz Revisited," 225-230, at 230

<sup>12</sup> Komie, "The Cornucopia of Julia K.," at 69-76.

<sup>13</sup> *Id.* at 69.

<sup>14</sup> Mark Strand, HOPPER 25 (Hopewell, New Jersey: Ecco Press, 1994). Julia Kiefer's time problem reminds me of Rosie Sayers, the wise-beyond-her-years 14-year-old in Pete Dexter's *Paris Trout*, who sees soldier boys in uniform at the Georgia Officer Academy, and muses to herself that "she would rather not know anything about time than to have it crawling all over her." Dexter tells us, "Rosie Sayers could not tell time, and her sense of it was that it belonged to some people and not to others. All the white people had it, and all the colored people who owned cars." Pete Dexter, *PARIS TROUT* 7 (New York: Penguin Books, 1989) (Pete Dexter's novel, *Paris Trout*, is, as it turns out, an exemplary work of lawyer fiction.) Lowell Komie's lawyers, like so many of us, have time crawling all over them. The lawyer in Komie's "Burak" notes, "People are very angry on the way to work. Mouths set, unsmiling, the workers are much younger than I, in their twenties and thirties. They're all caught up in our obsession with time, work, and order. There are clocks everywhere in the [train] station blinking out the time, 8:37, 8:42, 8:39, they all give different times." Komie, "Burak," 157-160, at 159.

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>15</sup> Julia Kiefer is tired, we are told—“very, very tired.”<sup>16</sup> She has made a Faustian bargain with time—a bargain that now spells trouble.

In another Komie story, “The Balloon of William Fuerst,” we find a lawyer so tired that his weariness has become a defining feature of his every day life.<sup>17</sup> William Fuerst, a lawyer for twenty years, finds that he is dragging himself to the office. The telephone has become his enemy. The minute he walks into the office the receptionist hits him with a sheaf of calls—little urgent notes on red and white message paper. Monday mornings are the worst: all his most difficult clients are waiting for him.<sup>18</sup> Later, we learn that Fuerst thinks of his time problem as that “matter of the slow leak in his head.”<sup>19</sup> For Julia Kiefer, time is a symptom, a symptom of exactly what isn’t clear; with William Fuerst, the slow leak in his head begins to take the shape of neurosis.

In still another story, “Solo,” Komie has a young lawyer named Mark take a stance against his law firm’s billing practices, that is, against the firm’s management of time.

[Mark] had refused to accede to the firm policy of 2,000 annual billable hours. It was an absolute. He knew about it but had defied it. He’d turned in only 1,750 hours again, but it wasn’t enough this year, and he had refused to pad his time. His senior associate had told him just to go back to his office, review his time sheets, and come back with the missing 250 hours. He refused to do it. So they let him go, graciously, but nevertheless absolutely, with two months severance (\$12,000), one month for each year, and the proffered services of an outplacement service, which he had also refused. Instead he took the \$12,000, told them he was going solo, and leased an office.<sup>20</sup>

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<sup>15</sup> Komie, “The Cornucopia of Julia K.,” at 73.

<sup>16</sup> *Id.* at 72.

<sup>17</sup> Komie, “The Balloon of William Fuerst,” at 55-60.

<sup>18</sup> Komie observes that “[s]ome clients are really neurotic and make impossible demands on lawyers. Also some are greedy and dishonest and there’s nothing you can do to satisfy them.” Komie, “A Commuter’s Notes,” at 261. The clients “that demand the most service seldom pay you promptly, or at all. [One] client used to call me from his boat in Acapulco and tell me my check was in the mail. Unfortunately, he posted it by burro; I still haven’t received it.” “Intimate Pages: A Lawyer’s Notebook,” in Lowell B. Komie, *A LAWYER’S NOTES* 51-66, at 64 (Chicago: Swordfish/Chicago, 2008) [reprinted in 25 *Legal Stud. F.* 123 (2001)].

<sup>19</sup> Komie, “The Balloon of William Fuerst,” at 58.

<sup>20</sup> Komie, “Solo,” 37-46, at 37.

Mark is banished from the firm for failure to live up to the firm's time management requirements.

William Fuerst, at forty-five, is tired and worn down, plagued by the thought that his head is leaking time. He can actually hear the "slight hissing of air from his ears," a hissing sound that absorbs his "vitality, his intelligence." Fuerst fears that what he wants to think of as "his youth" is being hijacked by the "useless acts" he performs every day.<sup>21</sup> He traces his time problem and the pathology that accompanies it, back to the billing system he devised for his law firm—the "Fuerst decimal system."

Lawyers bet their future and their lives on the billable hour. Fuerst is just another lawyer who has tried to monetize time. Lawyers first learn that time is going to be a problem when they are still in law school; students will tell you they never have enough time to do what the demands placed on them would dictate. Many of us seem never to escape the dark shadow that time cast-upon-us.

¶ ¶ ¶

We join Julia Kiefer again on her way to her office. She is peeved by the odor of cologne and tobacco—the scent of men—that linger in the elevator, scents left by men who carry briefcases and rush past her on their way to who knows where. These men, like Julia, seem to have time crawling all over them. We know that Julia too is a lawyer, so this business of being turned-off by others like herself is a clear sign of an underlying problem, a sign of something her psychotherapist might call "splitting" or disassociation.<sup>22</sup> As Julia's day begins, "she already felt the pressure beginning to build behind her eyes."<sup>23</sup> This pressure may be

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<sup>21</sup> Komie, "The Balloon of William Fuerst," at 56.

<sup>22</sup> The primary purpose of dissociation is to minimize anxiety, shore up and protect the ego, and keep repressed whatever threatens the psychic energy invested in the stability of our legal persona and other ongoing life projects. Dissociation involves the walling-off of the threatening thoughts and fantasies from the working part of one's consciousness; basically, dissociation involves psychological compartmentalization. Dissociation is one way the psyche deals with what we hold to be *unreal* in the life we have underway. Alicia Beauchamp, a Federal District judge, in Lowell Komie's "The Honorable Alicia Beauchamp," attends a judicial conference and reports that, "she felt she was two people: one, the judge, still moving to the rhythms of the office, and the other some detached, faceless woman curiously watching the judge, a woman dressed in a long, white, Victorian dress holding a white umbrella, standing in sunlight, but always faceless." Komie, "The Honorable Alicia Beauchamp," 161-173, at 171.

<sup>23</sup> Komie, "The Cornucopia of Julia K.," at 69.

associated with the world in which she works: “The walk down the corridors of her law firm always reminded her of peering into the compartments of a doll’s house, little people in the rooms, little stick furniture, people caught in frozen moments, blinking, looking up at her as she passed.”<sup>24</sup> There is a more ominous note in Julia’s observations about the word-processing equipment used by the law firm’s secretaries:

The occupant of the carrel was a woman, usually bent over a scanning screen. Julia had sent a memorandum to the office committee suggesting that the scanning screens emitted radiation and that the stenographers be issued radiation badges. She knew that the machines were cancerous, that the green glowing chains of perfectly formed calligraphy were as lethal as chains of carcinoma cells. It was all excess verbiage anyway, pages and pages of abstruse verbiage, and it was metastasizing and spilling out of the screens. Even the machines wouldn’t store it anymore. It would eventually kill the women in the carrels.<sup>25</sup>

Julia is one step removed from seeing that something is metastasizing in her own life, something that is spilling into her life from the place where she practices law, a spill-over from her work as a lawyer that is seeping deep into the recesses of her psyche. Julia Kiefer has climbed into the Box with law, and the life she has made for herself in that Box has made her a little neurotic.<sup>26</sup>

Julia Kiefer is lead counsel for a securities case. She meets with other lawyers involved in the litigation and is more than a little put off by the quirky mannerisms of her colleagues. After the litigation meeting, it becomes clear that Kiefer is having not just a bad day at work, but is heading for an existential crisis. She returns to her office, in no mood to deal with law colleagues or much of anything else, only to find that she has an interview scheduled with a young woman her firm is considering as a new hire. When the interviewee, Kimberly Bascomb,

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

<sup>25</sup> *Id.* at 69-70.

<sup>26</sup> In Lowell Komie’s lawyers, we see that a life lived as part of the “corporate army” is no shelter from suffering and loss. There may be no news of the universe here, still it’s news that should not be relegated to owners of short-wave radios. We don’t need to rely upon John Grisham’s legal thrillers—remember his novel, *The Firm*—to observe that life in a major law firm can be troubling, and at times, downright pathological. There’s no new news about the debilitating nature of law firm practice in the Komie stories; the conditions of life in a law firm corporate army are readily confirmed by a substantial body of literature that deals with life in modern law firms. For a sampler, see Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy and Unethical Profession*, 67 Fordham L. Rev. 739 (1998). For a personal, literary rendition, see Charles Reich’s chilling autobiographical account of law firm life, in Charles Reich, *THE SORCERER OF BOLINAS REEF* 19-47, 68-70 (New York: Random House, 1976).

tells Kiefer she wants to be a lawyer so she can “help people,” Kiefer tells her, in a moment of stark honesty, “This is a bad place to help people, Ms. Bascomb. We don’t help people here. . . . We help hamburger corporations and toilet paper manufacturers, but we don’t help people.”<sup>27</sup>

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*Alicia Beauchamp* was appointed a federal district court judge in Milwaukee when she was thirty-six. “She preferred dark shades of lipstick and she seemed, when you approached her bench, strangely beautiful to be enrobed in black. Black, though, was the color of justice, she soon learned, and now, after almost two years on the federal bench, her eyes, which had sparkled so easily into laughter, were no longer so easily animated.”<sup>28</sup> Unless we want to think that Alicia Beauchamp has, in becoming a federal judge, immunized herself against the kind of disquieting insights that plague Julie Kiefer and William Fuerst, we learn that Beauchamp does not delude herself: “She *was* a handmaiden. She waited on corporations and their lawyers at their pleasure.”<sup>29</sup>

Alicia Beauchamp’s work as a judge has left her exhausted; she admits that she needs some time away from her work. She may sometimes think of herself as a handmaiden, but we also see, and she sees, the smoldering remains of something still alive within her, something that the law has not managed to fully subdue—her love of art.

She was at the art museum early and went in to see some of the collection. She loved the three paintings of flowers by Emil Nolde, a German painter—this was a lovely place to wait for someone. She could see the

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<sup>27</sup> Komie, “The Cornucopia of Julia K.,” at 75. Komie makes the point Julia Kiefer makes with Kimberly Bascomb most directly in “The Law Clerk’s Lament,” where a law clerk, getting ready to leave the law firm where he works, observes:

I was glad to be leaving. I’ve realized the men here have lost their connection with the concept of serving people. They’re entirely caught up in moneymaking. They aren’t really lawyers. They’re servants to businesses and wealthy families. I don’t want that to happen to me. I don’t want to wind up in an office in some city tower, trapped in a glass coffin like the relics of an ancient saint. I don’t want to become a money man. I didn’t go to law school to become a businessman. The lawyers in this office are like mollusks who’ve been awash at the edge of the sea too long. They’ve become encrusted with their own stagnation and they’ve lost momentum and direction.

“The Law Clerk’s Lament,” in Lowell B. Komie, *THE JUDGE’S CHAMBERS* 66-74, at 74 (Chicago: American Bar Association, 1983).

<sup>28</sup> Komie, “The Honorable Alicia Beauchamp,” 161-173, at 161.

<sup>29</sup> *Id.* at 163.

lake framed in the huge glass window and sailboats heading out past the breakwater.

Then suddenly she saw him [Rajiv Nair, a professor she met at the Art Museum who shares her love of art]. He was standing in the corner of the gallery watching her. “You like Nolde, I see,” he said to her.

“Yes, Nolde is marvelous. His flowers are almost translucent with light.”

“Have you seen the Chagalls?” He reached out and touched her arm and led her to two Chagalls on the far wall. The large painting was of a man on a horse. The man wore a cape of flowers, the horse a bridle of flowers. The woman in the background held two babies. The smaller painting was of a bouquet of poppies.

“More flowers.” He led her into another gallery where he showed her a large painting of a French peasant and a young girl, perhaps a grandfather and granddaughter, walking in the woods. The old man carried a large bundle of sticks on his back. The little girl had an angelic face and fine blonde hair and walked just ahead of him picking wild flowers.

“Père Jacques,” he said, squinting at the painting. “Jules Bastien-Lepage, 1881. I think it’s the most beautiful painting in the collection. The old woodcutter’s face has the dignity of old age; his granddaughter looks like a young princess, standing in a field of flowers. She’s such a beautiful child.”

Neither of them spoke and as they stood together before the painting, she could feel a rush of longing, the scent and feel of desire for this man . . . his mouth, his eyes, the sound of his voice.<sup>30</sup>

Alicia Beauchamp’s love of art is an antidote to law’s dull blunting of her sense of self that has taken place in her work as a judge. Beauchamp seems to find in art a way to resist the slow erosion of human spirit that Julia Kiefer has begun to experience and that Judge Beauchamp now confronts.<sup>31</sup>

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<sup>30</sup> *Id.* at 167-168.

<sup>31</sup> In Lowell Komie’s lawyer stories, we find lawyers who appreciate art. Komie’s lawyers seek in art some kind of recompensation for what they find themselves in danger of losing in their work lives. From a different perspective, Komie’s lawyer stories are themselves a kind of art—an art of loss. Anna Held Audette, a painter, speaks about the sense of loss that she infuses into her painting: “My paintings comment on the melancholy beauty found in relics of our industrial past. Both the literal and evocative meanings of these subjects strike a responsive chord in me and provide variations on a theme that has been central to my paintings for a long time. The relics remind us that, in our rapidly changing world, the triumphs of technology are just a moment away from obsolescence. Yet these remains of collapsed power have a strength, grace and sadness that is both eloquent and impenetrable. Transfigured by time and light, which render the ordinary extraordinary, they form a visual requiem for the industrial age.” Anna Held Audette, statement accompanying her paintings in *The Alsop Review: The Gallery* <website>.



*Carter Greenwald* is a partner in the firm of Kelly, Heifetz, Greenwald, Baugh & Vonier, a firm of eighty-seven lawyers with offices on three floors of the old Chicago Midland Exchange Building. Carter Greenwald may be a captive of his law firm world, but there is still one quiet escape—art.

He had brought [the paintings] back from the rental gallery of the Art Institute. The paintings hung on the wall facing his desk, and already he could feel the warmth from the colors, vivid reds and oranges and yellows, soft earth colors, abstract whorls that spun in sensuous patterns. He had grouped the paintings around an oval collage of Bets [his wife] and the children.

He particularly liked one picture, a large water-color and ink sketch of a group of angels carrying a shrouded figure of a woman. It was named *The Assumption of St. Catherine of Alexandria*. The angels were flat-faced Oriental princesses, almost Byzantine, and their robes were elegantly embroidered red silk, filigreed with half moons and asteroids. The figure of St. Catherine was also flat-faced, with high cheekbones, and black vacant pinpoints for eyes. She was enshrouded in gray muslin, and the supporting angels flew with her corpse and held her gently like litter bearers. Below the angels were the rooftops of ancient Alexandria, tiny houses, cubes of ivory done in bright sun colors of the ancient desert. When he looked from his desk across the room at the painting, he often imagined himself standing in the hills overlooking some exotic port city, looking down at the water and at the harbor. He knew though that he would never make it out of Chicago.<sup>32</sup>

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In Komie's stories, we find art associated with those reflective moments when Komie has his fictional lawyers try to imagine a life for themselves elsewhere, life away from the business of law. Carter Greenwald, the lawyer in Komie's "I Am Greenwald, My Father's Son," reflects on a promise of law, a life in law, that he did not live:

He closed his eyes and tried to remember himself as a law student. The class picture, he stands at the end of the first row, 1954, in the courtyard of Yale Law School, his Harris tweed jacket unbuttoned, trousers just a touch short, not breaking on his shoe tops but nevertheless knife-creased khakis. Where had he gone wrong? He should never have returned to Chicago. He could have stayed in New Haven, or perhaps gone out West to try jury cases. In twenty years he had never tried a jury case. He'd become a businessman, not a lawyer. A corporate handmaiden.

Komie, "I Am Greenwald, My Father's Son," 77-87, at 86. This fantasy of a life beyond the law is a common desire we find in Komie's lawyers; they dream of escape, but they tenaciously anchor themselves to life by art, even as they immerse themselves in a reality from which there seems to be no immediate escape.

<sup>32</sup> Komie, "I Am Greenwald, My Father's Son," 77-88, at 77.

Carter Greenwald returns to his office after lunch with a bank trust officer: “He removed an old telescope from the wall cabinet above his desk and trained the scope on the lake’s harbor until he caught a freighter with rust on its sides, a tricolor flying at its stern, and two men in berets and heavy quilted jackets standing at the rail, smoking in the gray December afternoon. He tried to focus on their faces, but he couldn’t catch them.” He continues to watch the freighter until it is “lost behind the window frame.”<sup>33</sup>

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*Charles Riordan* is sixty-eight; he takes pride in the fact that he is a Chicago lawyer who has never bribed a judge.<sup>34</sup> Riordan, once a trial lawyer, now has a law practice confined to probate work. Money is a problem for Riordan, as it is for a good many of Komie’s lawyers.<sup>35</sup>

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<sup>33</sup> *Id.* at 80.

<sup>34</sup> Komie, “Investiture,” 141-150, at 141. An attempted judicial bribe is also a central feature in Komie’s story, “Ash,” 175-186.

<sup>35</sup> In a 2001 interview, Komie observed that he had gained, over the years, a freedom “to pretty much come and go as I please,” a freedom gained by surviving more than one firm partnership, where he “was a slave to the ‘time sheet’ and to the senior partners in these associations.” *Lowell B. Komie: An Interview*, 25 Legal Stud. F. 223, 225 (2001) (with James R. Elkins). Komie cautions that freedom, for the lawyer, doesn’t come easy. The narrator in Komie’s story, “Burak,” talks to a woman lawyer friend who tells him after a bankruptcy hearing, “the most important thing about a lawyer’s life should be ‘freedom.’” Komie, “Burak,” 157-160, at 158. To be free, Komie established himself as a solo practitioner but he makes clear in “Burak,” and elsewhere, that he’s talking about being “relatively free”: “[Y]ou’re never really free from the pressures of money or the demands of clients; the freedom really is a relative concept. If you’re worried about paying your office rent, you’re hardly in the mood to debate the relativity of freedom. Also, if you have become tyrannized by irrational clients, you’re not on your way to becoming a Philosopher King.” *Id.*

The perils of the solo practitioner, and the pressures generated by problems with money, are featured in various Komie stories: “Solo,” at 37-46; “The Balloon of William Fuerst,” at 55-60; “Investiture,” at 141-150 (where the lawyer, Charles Riordan, is working on an estate that might allow him to retire; he calculates that without the fee from the estate case he’s got something like \$25 in savings, while some lawyers have “millions stashed away”). Even Komie’s law firm lawyers have money troubles. Martha Levine, in “Skipping Stones,” has “tied herself up financially. She had a beautiful condo overlooking Lincoln Park in a slim, glass-paned Mies van der Rohe building and a white BMW convertible, a closet full of designer suits and shoes, and monthly credit card payments that wiped out her salary.” Komie, “Skipping Stones,” 61-68, at 63. The law clerk in Komie’s “The Law Clerk’s Lament” notes that “[t]he men in the office spend an interminable amount of time arguing about money. They’re always locking themselves in the conference room. They walk in there grim-faced, each of them instructing the

Charles Riordan awakes one morning and notices a plastic bag of items he had bought the night before. “[S]hopping at Walgreen’s, he had suddenly, inexplicably, changed the after-shave he used. Instead of Old Spice, he bought a tiny travel bottle of English Leather, as well as a different antiperspirant (Faberger) and talcum powder (Pinaud). When he emerged from the shower this morning and opened the new plastic bottles, he covered himself with entirely different fragrances. The new fragrances would, he hoped, protect him from the harshness of this day.”<sup>36</sup>

¶ ¶ ¶

*William Fuerst*, the lawyer who listens for the hiss of time leaking from his head, has been a lawyer for twenty years; he too is tired. Leaving court one day, Fuerst sees a man outside the Civil Center Plaza selling helium-filled balloons. “Fuerst bought one and a spray can of helium for his youngest child. As he walked back to his office, on impulse he filled the balloon and then, just at the entrance of his building, he let the balloon drift away. No one paid attention to him. He watched the balloon surge up past the girders of a high-rise under construction.”<sup>37</sup>

¶ ¶ ¶

*Frederick Marcus*, a Chicago lawyer for forty years, has an office in a “rather undistinguished older brick building, hidden in a crevice between two slick modern high-rises sheathed in aluminum and steel.”<sup>38</sup> When the story gets underway, we find Frederick Marcus flying a kite out of his office window. “Why was he flying a kite? He didn’t really know why he was doing it. The Tibetans flew kites out the windows of their lamaseries to try to communicate with the spirit of God. Why

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receptionist to ‘hold my calls’ . . . .” “The Law Clerk’s Lament,” in Lowell B. Komie, *THE JUDGE’S CHAMBERS* 66-74, at 68 (Chicago: American Bar Association, 1983).

To create the kind of revenue necessary to keep a law office going, a lawyer must be, according to Komie, “very tough and very shrewd and *entirely* money oriented. Unfortunately, those qualities, toughness and shrewdness, quickly overcome and submerge the philosophical notions of being a lawyer . . . . You become just another businessman.” Lowell B. Komie, *Intimate Pages: A Lawyer’s Notebook*, 25 *Legal Stud. F.* 123, 129-130 (2001) [reprinted in Komie, *A LAWYER’S NOTES*, *supra* note 18, at 64]. “The fee is the truth. In a lawyer’s life, the fee is always the truth, no matter what songs are sung.” Komie, “The Law Clerk’s Parrot,” 119-127, at 127.

<sup>36</sup> Komie, “Investiture,” 141-150, at 141.

<sup>37</sup> Komie, “The Balloon of William Fuerst,” at 59-60.

<sup>38</sup> Komie, “The Kite Flyer,” 231-238, at 231.

couldn't a Chicago lawyer do the same thing? He could even tie bells to the tail [of his kites]."<sup>39</sup> After a meeting with family members about an estate matter, Marcus decides not to accept a badly-needed fee from his clients who appear barely able to support themselves, and stays at his office until evening. "That night he . . . flew his dragon kite out the window and into the darkness of the city . . . . The kite disappeared into the darkness and he could feel it straining on his fingers, but he couldn't see it. He thought of letting it go, cutting it loose. He turned off all the lights in the office and let the kite spool run out, and then he took his scissors and cut the string and sat alone in the darkness until it was time to leave . . . ."<sup>40</sup>

q q q

Frederick Marcus, William Fuerst, Charles Riordan, Alicia Beauchamp, Martha Levine, Julia Kiefer, Carter Greenwald: Who are these lawyers, these men and women? What am I—and what are we—to make of their whimsical gestures? Their reverence for art? Their neuroses? The fact that they are so tired, and so often muse about their fantasies of being elsewhere? How their work leaves them with a sense of how incomplete they are?<sup>41</sup>

Having given their lives over to their work, lawyers must figure out how to survive it. Our stories bear witness to the lives we live, to lives shaped, bent, and packaged by our association with the law.

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

<sup>40</sup> *Id.* at 238.

<sup>41</sup> James Boyd White has observed that "at every juncture we bring to the world a set of expectations that are in the nature of things incomplete or imperfect." James Boyd White, *FROM EXPECTATION TO EXPERIENCE: ESSAYS ON LAW & LEGAL EDUCATION* ix (Ann Arbor: University of Michigan Press, 2002). In thinking about Komie's fictional lawyers and their daydreams that take them elsewhere, I found a phrase by the art historian and critic, James Elkins, that could be used to describe Komie's lawyers and the stories in which they appear: "Chapters onto our incomplete self-understanding . . ." James Elkins, *OUR BEAUTIFUL, DRY, AND DISTANT TEXTS* 254 (University Park: Pennsylvania State University Press, 1997). I should note that the James Elkins who writes so engagingly about art is not the James Elkins who struggled to compose this commentary on Lowell Komie's stories.