TS KERRIGAN: AN INTERVIEW

with
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[Editor's Note: This interview of TS Kerrigan took place, as time and will drove us to it, in the spring months—March, April, May—of 2006. Our correspondence on the practice of law and poetry has a longer history.]

Elkins: When did you first start writing poetry? Did you meet up with poetry before you began the study of law?

Kerrigan: I started writing little bits of poetry from an early age, too many years ago to really fix the time I became serious about it. I remember when I was eight I wrote a poem called "My Little Black Dog," about a pet cocker spaniel. Then, later, one about a sandpiper. I don't feel the least motivation to quote them to you. When I was at Berkeley, as a student, I was influenced by Louis Simpson, who was one of my teachers. He was just moving out of formal poetry into what became his Walt Whitman phase, which has continued over the years. I knew his brilliant earlier poems, "The Man who Married Magdalene" and "Early in the Morning," which still take my breath away. I put off poetry for law school, but later it came rushing back on me. I used to jot down thoughts for poems when I was waiting in court for my case to be called. When I get an idea for a poem, I stop whatever I am doing and make notes.

Elkins: You must have taken up with poetry in a serious way as you founded and edited a poetry journal, you called *Hierophant*. How did the founding of *Hierophant* come about? I assume that you were already practicing law when the noble venture got underway.

Kerrigan: The idea for *Hierophant* came along, I'm not sure why, in the late sixties. I remember I deliberately told a number of people I was going to do it, so I couldn't later back out. I started *Hierophant* by typing the poems and having them run offset. Jim, you've seen the magazine and know how hideous it looked. I used to steal the artwork from Polish and Russian magazines because they contained no copyright notice. I was a horrible editor, mainly because I gave in to any poet who gave me a sob story. The unfortunate results are in those old issues. It was something of a failure in one sense, less so in another. One thing I learned as a poet editing a poetry magazine is that the person who has power over whether or not your work is published doesn't know anymore than you do. I relax now; these editors are not gods. It freed me to do the kind of work I wanted to do. It allowed me to trust my own judgment.

Elkins: It was stumbling upon the archivist note to the *Hierophant* papers that first alerted me to your work. The note reads: Correspondence and manuscripts (poetry and prose) submitted to Thomas Kerrigan, attorney, poet, and editor of *Hierophant* (a Los Angeles magazine of new poetry and fiction), ca. 1969-1972. Correspondents/ contributors include Douglas Blazek, Charles Bukowski, Robert Creeley, Thom Gunn, and Lee Mallory. And then, after posting your name on my lawyers/ poets website, I got a wonderful note from you suggesting that you were not, as it were, deceased; making a perfectly good lawyer's argument for the notion that you were still alive. What occasioned your leaving the *Hierophant* papers to the University of California-Santa Barbara?

Kerrigan: The University of California-Santa Barbara had acquired a lot of Charles Bukowski material. My brother-in-law was a student there and mentioned to someone in Special Collections that I had some Bukowski letters. I was asked to send them everything, which I did, except for some voluminous correspondence with Anthony Kerrigan, a translator of Borges and Unamuno and a friend of Picasso. (Notre Dame, where Anthony Kerrigan taught toward the end of his life, wanted my correspondence with Kerrigan and I had promised it to them.)

A poem I wrote—"An Aging Poet Calls on New Year's Day"—was based on a letter Bukowski sent me in which he talked about writing. It was after one of his famous wild holiday parties, which always produced a lot of strange hangers-on and usually at least one fight. By the way, I never asked Bukowski for any of his poetry for *Hierophant*. Our friendship was not based on poetry or mutual respect for each other's work. In fact, I'm sure Bukowski didn't even know I wrote verse. Last year, UCSB asked me for all my other correspondence with people like Dana Gioia, Joe (X.J.) Kennedy, Richard Wilbur, Timothy Steele, Michael Yeats, Lee Mallory and others, and I sent it all to them.

Elkins: Tom, "An Aging Poet Calls on New Year's Day" was one of your poems I selected for publication in the *Legal Studies Forum*. I suppose we could present the poem again here; there may be Bukowski fans who will find it of interest.

An Aging Poet Calls on New Year's Day

"That rank dissembler time has done me in,"
he laughs until he loudly coughs up phlegm.
"And all the damned distractions we invent.
I've spent too many hours in seedy bars.
You wake one day, hung over, sick, and know
you've aged between the night and morning hours."

"My parties all degenerate to what
you saw last night. I thought about the thing
you said. It's true, I taunt the hangers on,
the fools, for sport, to make some truth emerge.
It rarely does, of course, and then I scream
at them. It doesn't stop them coming back."

"The women are another thing: you fall
for them (whatever that implies), and then
the arguments begin, her beauty gets
too rich for use, and soon she's out the door.
I've never been the kind to mope or fret,
there's always been another close at hand."

"The readings pay the rent. They come in droves,
the kids who've read Jack Kerouac. They want
me to perform the role they came to see,
the angry poet set against the world.
You'll never know the things I suffer, Tom,
with all the readings, signings, interviews."

"I might have written volumes more by now
I've tried to work a little every day and can't.
Who gives a damn what Graves or Stevens said?
I need to waste a day or two, get drunk
or laid. I think it helps me pacify
the worm that always gnaws inside my guts."

"Who knows if anyone will read my stuff
in twenty years, or even ten; it's all
a gamble, cards or dice, a slot machine.
We're given no assurances at all.
To think I used to have a steady job
and didn't have to take each day on faith."

"My God, I've droned away about myself
and never got around to why I called.
I thought I'd have a party Friday night,
the same familiar crowd of bores, of course,
and still, it might be fun. I hope you're free.
This writing's such a goddamn lonely game."

Tom, since you were doing poetry, and were a literary man in your early days, whatever possessed you to go to law school? Charles Bukowski and law school seem, on one reading, to exist in different universes.

Kerrigan: I went to law school because I didn't want to be a starving poet for the rest of my life, and I knew I wasn't cut out to be a teacher. Beyond Robert Frost and Maya Angelou, I have trouble thinking of poets who've made a living as poets. Besides, in those days, before I started law school, I was writing really bad poetry, and I think I knew how inept I was. I hadn't really planned on law school, but at the last minute a friend who worked at the insurance company where I worked talked me into it.

I remember going to a beer bust sponsored by one of the legal fraternities the first night after law school began. I meet a fellow student who was rhapsodizing about his lifelong dream of being a lawyer. After talking on this way, he casually asked me when I had decided to become a lawyer. I told him, "Three weeks ago." I should tell you that this inspired an idealistic believer in the majesty of the law didn't last through the first semester; here I am, the skeptic, still puttering around in the law some forty years later.

Elkins: Tom, as I have you conjure up your old life, I find this passage written by Maurice Thompson (1844-1901), still another poet lawyer, and a geologist, of interest: "The study of one's past life is not unlike the study of geology. If the presence of the remains of extinct species of animals and vegetables in the ancient rocks calls up in one's mind a host of speculative thoughts touching the progress of creation, so, as we cut with the pick of retrospection through the strata of bygone days, do the remains of departed things, constantly turn up, put one into his studying cap to puzzle over specimens fully as curious and interesting in their way as the 'cephalaspis.'"[1] What do you make of this business of "pick[ing] through the strata of bygone days"? What "remains of departed things" that you turn up now, do you find most puzzling?

Kerrigan: The geological parallel is rather interesting. At the University, I took geology from Ulysses S. Grant III, whom, I might note, looked just like his grandfather. Geology has, ever since, provided symbols for my digging into the sedimentary layers of my life. I don't know if you remember "Memento, Ergo Sum," a poem that *Agenda* recently published in their U.S. poetry issue. It suggests that the past is not like a fossil found in a layer of rock but that it exists only in the minds of those who have lived it and those who have witnessed it, and that the two may be in opposition.

Elkins: Tom, you've been writing poetry much of your adult life. What is it, for you, that keeps you at it? One might assume there's no money in it. As you've noted, it's virtually impossible to make a living as a poet. You mention Frost and Maya Angelou as exceptions. I suppose we might add Robert Bly to the list. I don't guess anyone would think of Charles Bukowski as trying in any serious way to 'make a living' doing much of anything, but in his later years he found a patron who set him up with a monthly stipend so he could write poetry. (It must have worked fairly well; Bukowski died in 1994 and his publisher is still bringing out new Bukowski work.) So, we know that it can't be money that kept you at it. And yet, stay at it you do. We know that many lawyers abandon the legal profession for other work, and historically, we know that one line of work they've taken up when they leave the legal profession is literary work. I may note that it's a good deal harder to find examples of poets who abandon poetry to take up the law, but I know a few instances in which it has happened. There is, I want to claim, something about poetry that sticks to a man. How would you try to explain what has kept you writing poetry all these years?

Kerrigan: Why do I continue to write poetry? Because, I think, I'm seeking some kind of permanence, as illusory as that may be. Two hundred years from now some descendant of mine might look in the *U.S.*

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[1] Maurice Thompson, HOOSIER MOSAICS (Gainsville, Florida: Scholars' Facsimiles & reprints, 1956)(1875)(Thompson, who lived in Crawfordsville, Indiana, in addition to being a lawyer, poet, and geologist, was also a novelist, naturalist, surveyor, and civil engineer. Maurice Thompson's brother, Will Henry Thompson, was also a lawyer and a poet.).

Reports and see my name, but that's not the same as finding a collection of my poetry.

It was Ezra Pound, the most predominant literary figure in English literature since Samuel Johnson, who said, and I'll paraphrase him, "Why not strive, if it takes your whole life, to write one great poem." I believe in the value of that kind of striving. Yeats wrote a famous poem, "Sailing to Byzantium," in which he symbolized his aspiration to be like a mechanical bird that would go on forever singing to an emperor and his court, "Of what is past, is passing, or to come." I've always thought that was a great image for what a poet attempts to accomplish. I'm still hoping to find that great poem. Yeats was too, and of course, he did.

Elkins: I think it's fair to say that many of us, whatever we might actually know about poetry, have a high regard for poets. A person may not read poetry, may not know any poets, yet there is a tendency to think highly of poets, as least among those who appreciate writing. (I'm ignoring, of course, the fact that poets, in some circles, are viewed as folks who play with words and don't know how to find real work.) Poetry is, I think, for reasons we don't quite understand, privileged. Should we view poetry this way, or is it a mistake, a trap that we fall into simply because we know so little about poetry?

Kerrigan: There is something unique, I would say, in the calling of a poet, just as there is in the calling of a priest. Joyce said the celebration of the Mass by the priest was like what a writer did; they both transform the water and wine of life into something transcendent. There are times, writing or conceiving poetry, that it feels otherworldly. You join with some higher spirit; I hesitate to say God. Privileged is perhaps the wrong word, but one gets the definite feeling of a calling or vocation in writing poetry.

As for people thinking well of poets, it may be because they pose no threat.

Elkins: Tom, we've been publishing your poetry in the *Legal Studies Forum* for several years now. I don't think we've ever got around to talking about just what kind of poetry it is that you write. Does your poetry fit, so far as you know or want to discuss, any of the various "schools" of poetry? I suppose another way to get at this question is by way of the poets you've read along the way, the poets you continue to read, poets whose work you think about day to day. What poets intrude on your thinking, and have influenced you as a poet?

Kerrigan: I think of myself as a neo-classic poet. The New Formalists have embraced me, for which I am grateful. But even with my traditional credentials, I'm not trying to be a part of any school. I know that poetry is music; it has to be music to be poetry. I was at a memorial service for Joseph Campbell, the great mythologist, and heard Robert Bly, whose work you know, read a poem by Yeats, who he described as his father. The problem was that Bly read the poem as though it were free verse. I was reminded that Yeats was famous for saying, "I took a lot of time putting my poems into verse and I will not have them read as though they were prose."

There are some good reasons for measurement in poetry (I always think of Yeats' famous line, "Measurement began our art."). Shakespeare proved that iambic pentameter is the closest rhythm to human speech and that the sonnet is the perfect form to express a complete thought. Louis Simpson once said to me that all sonnets are stretched out to or crammed into fourteen lines. I don't believe that. Dana Gioia, in service as Commissar of the Arts, was criticized as a poet for spending government money not so much on poetry readings as for performances of Shakespeare's plays. He was wise beyond his critics' knowing. Hearing Shakespeare performed aloud is the perfect way to get an appreciation for poetry. Shakespeare was, of course, a great poet as well as a great dramatist; we can all get a sense of the music possible in poetry by listening to his plays. The problem that I have with most modern American poetry is not that it is, for the most part, written in free verse, but that it is not very interesting.

As to the poets I have read in the past and continue to read, the list would make this interview too long, but would include Shakespeare, Yeats, Baudelaire, Eliot, Pound, Larkin, Blake, Keats, Rilke, Holderlin, Dante, and Catullus, among others. The living would include, Joe (X.J.) Kennedy, Richard Wilbur, Tim Steele, Wendy Cope, W.D. Snodgrass, Geoffrey Hill, Tony Harrison, Jared Carter, Dana Gioia, Wyatt Prunty, Rhina Espaillat, and I'm sure many others who don't immediately come to mind at the moment.

Elkins: There's been a great deal made, in some circles, about the divergent nature of the work and mind-set we associate with lawyers and poets. We tend to think of lawyers and poets as if they lived in two different worlds, different worlds of thought, feeling, sentiment, and ways of being. Of course, we know that some lawyer poets, Wallace Stevens among them, didn't subscribe to this "two worlds" notion at all. Stevens claimed to be the same man at the office, where he did his law work as a surety/guarantee/bond lawyer, as he was as a poet; he couldn't quite fathom how everyone took so readily to this notion that it was odd or strange for him to be both lawyer and poet. What are your thoughts on the notion that a lawyer and poet, by the nature of what they do, find themselves in two different, seemingly incompatible worlds?

Kerrigan: I've always wanted to ask you what you found was significant about lawyers who write poetry. I'm afraid I'm too close to it to know. Like Stevens perhaps, poetry has always been intertwined with everything I do. I don't find myself agreeing with Stevens all that much, but I probably do when it comes to thinking about being a lawyer and a poet. If, as now, I'm working on a brief, I'll simply stop if I get an idea for a poem, stop and note the idea. I've already mentioned making notes for poems while waiting for cases to be called. Whatever I'm doing, I continue to be a poet. There is a distinction, however, in that the two never overlap. It is the same mind but the poetry part of it is more creative, the lawyer part more fixed in the day to day.

Elkins: Tom, you asked about my sense of the significance of lawyers who write poetry. This project I've undertaken to identify this country's lawyer poets might itself seem a bit odd. The most obvious question is—who cares? I think there's a couple of reasons to care. Lawyers at one time were commonly thought of as Renaissance men; they were men of letters. Lawyers were, in an earlier era, known for their learning, and we'd expect that some number of them were known for their wisdom (and I'm not talking here about the effective use of the law to get what their client wanted). We've long known that lawyers, in an earlier era, were novelists; they were also journalists and historians. Lawyers have played a far more significant role in the literary history of the United States than anyone in the legal profession might suspect. One way I might try to claim significance for the lawyers who've written poetry is that they are part of this intellectual and literary history of the United States. Some of the lawyers I've identified as poets have long been known to us as poets. But many of the lawyer poets I've identified are really quite obscure; I must say I have a particular affinity for these poet lawyers whose work is now forgotten. It's a pleasure to invoke their names, to see that they are remembered as part of this country's literary history, and as part of the history of the legal profession.

As you know, I came to this work on lawyer poets without much background in poetry, without having read Pound and Yeats, and the other great poets. Working with the poetry of lawyers has been an invitation to humility. As much reading as I've done, I realize that I'd need another life or two to do anything more than scratch the surface and to deal carefully with the poetry of the lawyers I've identified.

As a teacher of law, I get paid to do the kind of work that leaves me with many hours each week to read and to write. The contemporary lawyers who write poetry, many of them at least, make their money by the billable hour. To take an afternoon off to browse the shelves of the library, or to read poetry, puts a dent in the pocketbook. That a lawyer, pushed for time—the law, I've come to believe, is a big thief of time—makes time to write poetry, is quite amazing. And yet, hundreds upon hundreds do.

I'm sometimes asked, by those who've stumbled onto my lawyer poets work, whether it matters to a poet's work that he happens to be a lawyer. I'm not inclined to make the argument that the connection is of any great importance. There are some lawyers, contemporary and historical, who have played around with poetry, writing rhymes and jingles about law and lawyers. This kind of law-themed poetry has not been of great interest to me (and it's been of little interest to students and scholars of poetry). The legal aspect of a poet's work is a good deal more interesting in the case of a lawyer poet like Charles Reznikoff, for example. Most lawyer poets, when they write poetry, have simply wanted to be poets. They didn't envision or use poetry to focus on law and law work. In some cases lawyer poets may see poetry as a diversion from law and the demands that their work as lawyers makes upon them. Some lawyers, especially those of the 19th, and early 20th century, may have found in poetry, in Shakespeare and the Bible, language they could use in the courtroom and before a jury, but I don't think it was ever the instrumental use of poetry that led lawyers to write poetry. Lawyers, throughout history, have become poets for the same reason any poet does.

For me, it's not the glimmer and dust motes of the law we find in a lawyer's poetry that is of interest, but the mere fact that a poem, a collection of poems, was written by a man or woman who practices law, or practiced law and abandoned the legal profession for other worthwhile pursuits. For some peculiar reason, that the poet happens to be a lawyer means something to me. However estranged I may be from the world of poetry and its poets, I find that with the lawyer poets, I've got a real, fundamental, and deep connection to the person who is the poet, and that connection comes from the fact that he or she is or was a lawyer.

I'm not saying I've ever had a great love affair for my fellow lawyers. Indeed, I've been rather critical of the legal profession over the years. I don't see how anyone could teach legal ethics, as I did for several decades, without adopting a critical perspective on the profession. And, if your not already a critic, listen to law students talk about the moral and ethical problems that lawyers face, and their basic insensitivity to these concerns, and you'll become a critic. Many law students are tone deaf to ethical concerns. So, when they try to talk about ethical matters, they sound quite crude. I'm not, and have never been, a cheerleader for the legal profession. The profession has a good many celebrants, many of them bent on fixing up the image of the profession. I've not taken up my lawyer poets work to polish the image of the legal profession, but to find a way of thinking about lawyers and who they are that does something more than polish an image. So, I've found it quite wonderful, this new subterranean connection to the profession, a profession to which I've belonged and have paid my bar dues for some 35 years. I remember my mother calling my father to task for paying his union dues after he retired. I heard him tell her once, "I may no longer be carrying my tools" —my father was a carpenter—"but I'm still a carpenter." It may seem odd that one rediscovers his connection to his profession by the fact that some number of his colleagues turn out to be poets, but it has worked out that way for me.

Finally, as a critic of the legal profession, I think we might say, *lawyers need poetry*. We don't know we need it; we think, on all the evidence presented to us, that we can live without it. And, if we need something we're living without, knowing that it's our poet colleagues who produce the antidote to what ails us, we may have uncovered the penultimate poetic justice, and if nothing so ironic, then what turns out to be a good and perfectly plausible reason to read poetry.

Kerrigan: In the 19th Century, a lawyer like Clarence Darrow or Earl Rogers would not have dreamed of making an argument without including references to the Bible, Shakespeare, etc., and he would have been greeted by a society who knew whereof he spoke. People once memorized poetry and recited it in the home and elsewhere. It's hard to imagine families doing this kind of thing these days. I remember a series of cases involving multiple criminals acting out the same crime. As a result of the *Miranda* decision, most went free and were not heard from again. I wrote in my brief to the California Court of Appeal that like Falstaff's companions in *Henry IV* (part II), they had all drifted away. The court, taking that as a criticism of *Miranda* and the courts, did not react favorably.

People seem to read less now and know less. I was involved in an airport expansion case years ago. The airlines had chosen the leading firms in the city to represent them. The school district retained me and my firm. I was impressed with these big law firm lawyers until I saw their written arguments with their misspelled words, and their confusion over "effect" and "affect."

We are a less literate society than we used to be; even so, it is still useful for lawyers to know about literature. I can think of instances in my career, when it was the difference between winning and losing a case.

Elkins: Tom, we've been talking about the possible significance in the fact that lawyers are poets. I don't want to lose track of your mention of Pound. I know, from previous conversations over the years, that you're quite fond of Yeats. Even those of us who know little about poetry are likely to have encountered the names of poets like Yeats and Pound (although we may know little to nothing about why we see so many references to their poetry). Could you say anything more about what Pound and Yeats mean to you as a poet? Some of our readers will know that Ezra Pound got caught up in the legal system. How do Pound's legal problems figure in your thinking about him as a poet, if at all?

Kerrigan: I said that Pound was the greatest literary figure since Samuel Johnson (although only scholars read Johnson's work today). What I mean is that Pound, like Johnson, defined the spirit of an age, not by what he wrote but by what he did.

Pound influenced and helped many famous writers, including Joyce, Hemingway, Eliot, and the elder Yeats. He enriched all of their writing and got them published. He helped Eliot write *The Waste Land* and got Yeats to alter his poetic style. He was instrumental in the success of *Poetry* by feeding writers to Harriet Monroe that she had never heard of. He started the Imagist movement in poetry. Final assessment of his work is still to be made, but his contribution as a literary figure is unquestionable.

As for Pound's alleged treasonous activities in World War II, I can think of no bearing they have on his stature as either a writer or literary figure. I think, for example, it was a sad moment for the editors of the journal, *Poetry*, when they attacked him upon his being considered for the Bollingen Prize, considering what he had done to make that maga zine what it was.

Yeats is acknowledged by many to be the greatest English poet of the last century. His reputation has grown every year since his death in 1939.

Elkins: You've talked about Pound, and the writing of the "one great poem." I'm not going to ask you to nominate a poem as your greatest; my guess is you'd decline the invitation and begin to doubt the sanity of anyone who posed the question. I'll take the liberty to ask a modified version of the question. Do you have a sense that you've written poems that are every bit as good as you can make a poem? Or do you have that feeling about all your poetry?

A few years ago, you invited me to be a part of your revision of a poem. I learned a good deal watching you work on that poem. I watched you work on it until it appeared, to both of us I think, that the poem wasn't getting any better, and that the changes you were making were beginning to take the poem in the wrong direction. Do you tend to work on all your poems like this, or is it only the rare poem that requires this kind of extensive revision? If a publisher came along and wanted to do the collected works of TS Kerrigan, how much effort would be involved in revising your poems for your collected works?

Kerrigan: The best poem is always the next poem, just as the best drink is the next drink. I continually revise my work. Yeats, as I told you, revised poetry which he had already published; he was still writing and revising poetry from his death bed. I will continue to revise, no doubt, even if a *Collected Poems* were to appear. Sometimes I discover an earlier version after I've revised a poem, and find it superior and so I go back to it. This is disconcerting. But there are always new poems out there, that is the hope.

Elkins: Tom, you retired from the practice of law, when was it, 2005. Are you writing more poetry now that you've retired?

Kerrigan: Yes, I have been writing more poetry of late; whether or not that is because of my retirement, I can't say. I think I would be writing more poems now in any event.

Elkins: Some lawyers may, at idle moments in a trial (if there are such moments these days), write verse; you've mentioned that you did that. Yet, in reading your poems, they do not appear to have been written on the run. You must have created some space, some time, when you could focus on writing poems. I know that Wendell Berry published a collection of poems that he wrote only on Sundays. Over the years, have you found a special time of the day or a time in relation to your other work, that you devote to writing poetry.

Kerrigan: I'm always making notes, very few of which ever come to anything. I'm like the photographer who shoots rolls and rolls of film and considers himself lucky to get one good photograph. As to when and where I write, I'm of the old Irish tradition—writing in darkness and solitude—maybe that's why some of my poetry has been found to be so "dark." The poems, however, come when they want to come.

Auden said that poets write in the manner of either Beethoven or Mozart. To look at the simple initial notes of Beethoven, you'd wonder how he could have ended with anything profound. In Mozart's case, the music poured out of him fully formed. Poets are, in their notes and their writing, as different as Beethoven and Mozart.

Elkins: Tom, how do you get from a note to a poem? Can you give us, the many non-poets among your readers, how you get from a line, an image, an idea to the poem itself? Is writing a poem different than writing an essay? In what sense is making a poem like making an argument, the kind of argument you might plot out for a legal memorandum or legal brief?

Kerrigan: I'm not sure I know the answer to your question. I often get there in ways I don't understand. Sometimes it's an excruciating process. It can take hours or years. Many poets, I think, look back at their verse and can't understand how they wrote something. Sometimes it seems someone else has written the poetry. This is often true with my best poems. All I can say is that it's a process that I don't fully understand, and I don't really want to understand because if I did, I might never be able to write another poem. It's like Olivier doing a great performance of Othello. When his friends came backstage to praise and congratulate him, they found a depressed actor because he didn't know how he had done it and didn't know whether he could do it again.

Elkins: Tom, I know that you've been involved with the theatre, and that you're a published playwright whose plays have been produced. And I understand that at one time you were a drama critic. How did your involvement in the theatre get started? Were you an actor in high school and in college?

Kerrigan: Quite simply, I got involved in theatre because I married a stage actress. On our honeymoon she said to me, "Write something for the theater, and I'll get a group of actors to perform it." For anyone accustomed to the loneliness of writing, it was too good an offer to ignore. That's how I wrote *Branches Among the Stars*, my first and, I suppose, best play. I stayed on as a critic after my enthusiasm for being a playwright had waned. I abandoned writing for the theater, among other reasons, because of its ephemeral nature. The performance lasts for six weeks, maybe, and then it's gone. Most plays are unpublished, most have a single production.

To tell the truth, I was a critic because I wanted to take my kids to see any play in L.A. without paying for tickets. When they grew up, I got out of the critic business. Now, I have health problems, and I don't go to the theater any more; in fact, I've quit reading about the theater; it's a vanished phase of my life.

Elkins: Do you find that you use your poetry to return to those vanished parts of your life? Or do you try to let the vanished stay vanished?

Kerrigan: Poetry has to take us back to all the vanished places, even the painful ones. Our whole life has to be the landscape we contemplate in poetry. We can't pick just the happy or pleasant times.

Elkins: There has been an infrequent effort in legal scholarly circles to argue that lawyers are actors, that legal trials are akin to theatre. Since you've been more closely associated with the theatre than many of us, I though you might want to comment on this effort to relate trials and theatre. Or, in your experience, do we do better as lawyers, seeing the world of the courtroom as something far different than what we find in the theatre?

Kerrigan: Let me answer this question about trial and appellate lawyers and the theater with a story. Very soon after I was admitted to the California Bar, I was given a short trial. I was terrified and worried about it for weeks. Jack Weber, a senior lawyer, always went with you on your first trial. When I got into the courtroom, I proved to be a sort of mad dog. Jack was pulling on my sleeve trying to restrain me as I continued to object and move to strike testimony by the defendant. I won and was exhilarated. From that day forward, I never missed an opportunity to try a case, my case or someone else's. I was able, for some reason, to think on my feet. Trial work was beginning to be a theatrical experience. Then, when I was trying a case in federal court in San

Francisco, a few years later, a woman I was seeing came up for the trial and walked in just as I was cross-examining a key witness, so I pulled out all the stops and even though I was only trying to impress her, it proved to be very effective with the court. I knew then that the theatricality had to be emphasized.

Elkins: Tom, are your days as a law student one of those "vanished parts" of your life? Some lawyers, I know, look back on their days in law school with real affection. Some of my students are trying to forget law school even before they've gotten their first position. And I know many lawyers speak with disdain about legal education and its failure, in their eyes, to prepare them for what lay ahead. How relevant has law school been in your life as a lawyer?

I've always been intrigued by the stories my students tell about what brings them to law school. Given your varied literary interests how did you end up as a lawyer?

Kerrigan: As I think I explained, my attending law school was more of an adventitious occurrence than anything else. I didn't think much about where it would take me, I just thought it would be nice to have a graduate degree (an L.L.B. as opposed to a J.D. in those days). My attending law school was about as well planned as a train wreck, though it turned out well enough. I found, to my surprise, that wherever I went, I was highly regarded as a trial and appellate lawyer. It was a surprise, to me, because as a young man, I'd never really been good at anything.

I had been an English major as an undergraduate at the University of California and there were intellectual challenges in my undergraduate education that I missed in law school. Also I was incredibly poor during those three years and that has affected my memory of that time. As for my law school professors, they were all men and women with a genuine interest in the law. Overall, I have good memories of those days. The law gave me a position in the world that poetry could not have furnished. That all came from going to law school.

Elkins: What kind of literary interest did you have while you were in college? Or did your literary interest develop in later years?

Kerrigan: I was a mixed up kid in high school. Maybe we all were. In my case, I couldn't do anything right. We didn't have much in the way of books at home; I didn't know anyone who had gone to college. I remember a display of the Modern Library in Robinson's Department

Store where my mother worked. I got the idea that if I read every book in the Modern Library, I'd wind up an educated man.

Elkins: Did you actually read the Modern Library books?

Kerrigan: I attempted, though never completed, the entire Modern Library, the Great Books of the Western World, and the Loeb Library. Fortunately, I never thought about the Harvard Classics!

Elkins: I'd like to think that some of my students will have decent skills someday. Many of them are going to have to develop those skills on the job. You talk about being a skilled trial and appellate lawyer. Did you find that you had a fair modicum of skills in the beginning, or was it a matter of trying case after case and learning by doing? In those early days were you practicing with someone who could help teach you the skills that you needed?

Kerrigan: I'm not sure I ever really understood what the basis of my trial skills was. In the law firm, I noticed that no matter how many lawyers we added as we grew, we ended up with few real trial lawyers. Most were terrified, I think, as I was the day they put my feet to the fire shortly after my admission. The big law firms in Los Angeles did not, even in those days, produce a lot of great trial lawyers because their cases were for the most part so momentous they had to be settled. So they got very little experience in trial work, doing mostly depositions and written discovery.

As far as learning how to do trial and appellate work, I was essentially self-taught. I think you can learn a lot from watching good trial lawyers in action, but I am opposed to the modern concept of "mentoring." Too often it puts an inexperienced but imaginative lawyer with good natural skills under the influence of someone who only has experience to recommend him. The younger lawyer may never get to develop his own original style or feel the freedom to break the rules.

I am essentially retired, as you know, but I miss mixing it up, testing my skills against other lawyers. It was a lot of fun for a long time; I'm glad I didn't miss out on it.

Elkins: We've had a good many lawyer poets in this country, and many of them abandoned the legal profession to follow their literary pursuits. Archibald MacLeish and Charles Reznikoff are good examples. Even Edgar Lee Masters, who practiced law with Clarence Darrow for almost a decade, left Chicago for New York City to live in the Chelsea Hotel after publication of his *Spoon River Anthology*. After you established yourself as a lawyer did you ever think about trading it all in to find a line of work that would allow you to follow your literary and theatre interests? It sounds as if your life as a trial lawyer was sufficiently rich and rewarding that you didn't have much impetus to look for greener pastures. If I'm right, that you found a home in law and weren't overly tempted to abandon the profession for other pursuits, did you find yourself struggling to find the time and energy to keep at your poetry, plays, drama criticism, and your work as editor and publisher of *Hierophant*?

Kerrigan: Some years ago the California Bar did a survey of lawyers who had been in practice 20 years or more. The question, to paraphrase, was if you knew then what you know now would you do it all over again? Surprisingly over 80% said that they would not. I have never regretted being a lawyer from that first day I was referred to as "Mr. Kerrigan" by the secretaries in my office until the last part of my career when I stood before the justices of the United States Supreme Court and heard myself referred to as "Mr. Kerrigan." Yes, there were days I felt a little overwhelmed. There was always the practical reality of having to support six kids. I told myself I wouldn't think about quitting the law until I could make a living as a writer. There certainly was never any risk of that with poetry, and there's no money in theater unless you go to New York. All the complaints lawyers have about the practice, about it being more of a business than a profession, about ungrateful clients, the increase in malpractice litigation, and all that, have some truth to them. But, there were, for me, always colleagues to respect, colleagues who symbolize all that is best about the law. You still find lawyers like that; you just have to look for them.

Elkins: I'm teaching a course on "Lawyers, Poets and Poetry" next year and I'm interested in getting your reaction to the venture. It will be the first such course, so far as I know, of its kind ever taught in the United States. Law and Literature is a now a common part of the curriculum at most law schools, and there's probably a poem or two taught in some of those courses. What I have in mind is something a quite different. That lawyers can be poets, and that so many, historically, have been, and today continue to be, should be of interest to students. I would assume that such a class might attract a few would-be poets, but more importantly, I'd hope it would attract students who are simply curious as to what they might be asked to do, to study, in such a course.

What I have in mind now is to have students select one of the major modern lawyer poets—Wallace Stevens, Archibald MacLeish, Charles Reznikoff, Edgar Lee Masters—and to see what can be said about the life this poet lawyer lived. (E.g., what does the poet have to say about his life as a lawyer? How does being a lawyer affect one's life as a poet?) With Stevens, MacLeish, Reznikoff and Masters, we have good resources, autobiographical and biographical, for this kind of exploration. I'm hopeful students will find it interesting and instructive to explore the lives of these poet/lawyers.

And intend to have students read a lot of poetry by contemporary lawyers. Fortunately, I've spent several years compiling and publishing poetry by lawyers, so we now have easy access to hundreds and hundreds of such poems. What I want students to do is read the poets I've published in the *Legal Studies Forum* and find poetry they can relate to, poetry that might mean something to them, poetry they might be willing to claim in some way (claim in the sense of being willing to argue that it's poetry that means something to *them*).

I've promised prospective students that they'll not be asked to write poems! I have reassured prospective students that they need not be poets or have an existing interest in poetry or, that they be literature majors. I've made known that I'm not a poet and don't pretend to be one. What I've tried to do is suggest that this is simply a course about reading and trying to see if there might be something—*something*—in poetry that might matter to them as lawyers. Whether I can make the case for poetry, and a study of lawyer poets a worthwhile part of a student's legal education is an open question.

Tom, you may well think the course a hare-brained idea; a reasonable man might come to just such a conclusion. But it's a course that follows so naturally from the work I've been doing in recent years, I simply couldn't resist it. It may be a course I teach only once! I've never taught a course that fell completely flat, maybe I'm pushing my luck on this one.

Kerrigan: First, I don't think your idea is a hare-brained one at all. If law students are what they were in my day, they may be a little reluctant to take a chance, but I suspect they may have changed a great deal. My guess is that they are more adventurous. I think that's what the modern law school curriculum suggests. Whether or not they can put to use the things they learn in their future practices, they will be changed for the better, I think, in human terms.

Elkins: Tom, we've talked about the purported oddness of lawyers being poets, and about how you go about your work as a poet. We haven't talked so much about the living poets who may have influenced you and your poetry. I know that, as with most writers, there have been diverse influences on your poetry and your writing more generally. Can you talk a bit about these influences?

Kerrigan: I grew up in a middle-class neighborhood in Los Angeles with nothing you'd call literary influences, so I had to wait until I was in college for that. I certainly never thought of being a poet myself until college. Louis Simpson and Thom Gunn were at Berkeley then, and there were poets regularly passing through. There was the mercurial Lawrence Ferlinghetti, and Kenneth Rexroth from nearby San Francisco. On the Peninsula, the stone-faced Yvor Winters, who pronounced Yeats a bad poet, presided.

A bigger influence, perhaps, was a movie theater in Berkeley unlike any I had seen before, which I began to attend. I saw all of the Ingemar Bergman films, *Dr. Caligari's Cabinet*, a film version of *Oedipus Rex* directed by Tyrone Guthrie, Cocteau's films, a film where Picasso painted on one side of a glass, and many other art films. I think it was seeing these films that sent me off in an artistic direction; I got the idea somehow that I wanted to be a poet. The films I saw in those days were compelling in themselves, but as part of the price of admission, we also got film liner notes. They were written by someone who knew and loved films. I didn't learn until many years later that their anonymous author was Pauline Kael, who was to become the most recognized film critic in America.

Later when I was back in L.A. editing *Hierophant*—actually printing the thing in Laurel Canyon in a house across from The Mothers of Invention —I got to know a good many poets I'd admired through correspondence of the kind editors strike up with possible contributors. It was through *Hierophant* that I got to know Anthony Kerrigan, though he never thought of me then as a fellow poet.

Another important influence in recent years was the French Canadian actor, Louis Turenne, a much admired friend of my then-wife, the actress. Louis would call for her, and when she was out, we began to talk. I found him to be a man of erudition and aesthetic sensitivity, traits not so often found in actors. He asked to see my poetry and at once declared that I was one of America's best poets. I had to love him for that. It was wonderful encouragement, and all the more so, when Louis read my poems in his beautiful voice. I think I wrote some of my best poetry because of the influence of Louis Turenne.

Joe (X.J.) Kennedy, one of our greatest poets and a man of great generosity, also inspired me with his praise, when I found the going was hard, and all my poems seemed futile. I also received support from Mike Burch, at the HyperText website, Leo Yankevich of *The New Formalists*, Will Carlson of *Iambs and Trochees*, and, more recently, David Leightty of Scienter Press. I should also mention Peggy Webber McClory of the California Artists Radio Theatre, Margaret O'Carroll of Kerry Records, and my present wife, Elizabeth McCallan. Local poets who were supportive include Lee Mallory and Ricki Mandeville. As you know, I've been associated with most of the Irish actors and performers in Los Angeles for a long time. Redmond Gleeson and I put on a Bloomsday show every June 16 at Molly Malone's Pub in that city, featuring an all Irish cast. Friends like Tom MacGreevy, Marty Maguire, Anne Bushnell, Michael Cooke, the late Hamilton Camp, Maireid Sullivan, and others have continued to express an interest in my verse. Last but not least, there is a law professor from West Virginia who has seen me through good and bad times and was always supportive. I'm sure I'll remember his name if I'm pressed.

Louis Simpson once told me that a poet in America can only be sure of a small circle of friends and admirers. I have certainly had my share and they have given me whatever claim I have, that my poetry will be read in the future.

Elkins: Tom, earlier in our conversation, you mentioned a line, from the Yeats's poem, "Sailing to Byzantium." The second stanza of "Sailing to Byzantium"[2] reads:

> An aged man is but a paltry thing,
> A tattered coat upon a stick, unless
> Soul clap its hands and sing, and louder sing
> For every tatter in its mortal dress,
> Nor is there singing school but studying
> Monuments of its own magnificence;
> And therefore I have sailed the seas and come
> To the holy city of Byzantium.

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[2] "Sailing to Byzantium," in W.B. Yeats, THE COLLECTED POEMS OF W.B. YEATS 191-192, at 191 (New York: Macmillan Company, Definitive Edition, 1956)(1933).

Since we are both "aged" men—and at least in my case, I'd probably confess as well to being "a paltry thing, / A tattered coat upon a stick"—I wonder how this poem, this stanza in Yeats's poem stands with you now.

Kerrigan: Yeats was my favorite poet when young and a significant influence still. His poems on old age and wisdom are almost a guide for living our latter years. He also said "Bodily decrepitude is wisdom." That's a hard but a true lesson to learn.

As you know my people were also from County Sligo in Ireland and we are distantly related to Yeats. He was an obsession of mine, however, before I even knew that. Even now, after all these years, I find lines in his poetry and plays that astound me. One of Yeats' poems, "The Choice,"[3] may be especially applicable here.

> The intellect of man is forced to choose
> Perfection of the life, or of the work,
> And if it takes the second must refuse
> A heavenly mansion, raging in the dark.
> When all that story's finished, what's the news?
> In luck or out the toil has left its mark:
> That old perplexity an empty purse,
> Or the day's vanity, the night's remorse.

That may be the story of every poet and his life in the time in which we live.

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[3] "The Choice," in *id.*, at 242.