

**THE REMNANTS OF A LOST & FORGOTTEN
LIBRARY: ON FINDING THE LAWYER POETS**

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Obsess: to beseige, beset; to preoccupy intensely or abnormally.

— Webster's Seventh New Collegiate Dictionary

I don't think I've ever known anyone who has gone in search of an obsession. In my case, obsessions—scholarly and otherwise—have always seemed to seek me out. (I can't imagine looking for one!) With good fortune, we are sought out by obsessions marked by intelligence, only those obsessions which set upon their chosen host with care.

The facts can be stated forthwith: I've tried, by various and diverse means to identify every lawyer poet in the United States, living and dead. This sort of enterprise may, by the best of friends, be viewed as an obsession. These kind of things—obsessions we're talking about here—can happen to a man in a blink-of-an-eye, they more often settle in like a fog in the night. You wake up one morning and you're enveloped by it. The outline of how this particular obsession came my way is almost clear, hedged as it is by the shadowed light of memory. How it came my way is the story I want to tell here. Whether my obsession reflects the kind of intelligence I'd like to ascribe to it, is best left for others to judge. I'm willing to admit that any intelligence to be associated with it is suspect. It would be less suspect (and I'd have a far different story to tell) if I could report than I've had a lifelong affair with poetry, or better yet, that I was a poet. Unfortunately, neither are the case.

I was not, I'm pleased to say, completely oblivious to poetry. I've been reading Wendell Berry's poetry for many years. But not because it was poetry. Wendell Berry and I are both from Kentucky. We both think that this *place* has something to do with the kind of men we turned out to be, something to do with what we value and how we value it. Wendell Berry is, in my reading, one of this country's astute, wise men. So I read Wendell Berry's poetry, not because it's poetry, but because it's Wendell Berry, because poetry is something he is and does. I want to follow this wise man wherever his reading and writing takes him. It would have

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been curious, as a reader, to single out Wendell Berry's poetry and say, "I'll read everything he writes, but I'm not going to read his poetry." (We might, of course, find in this idea of reading *everything* a writer writes, a prelude to a different kind of obsession.)

And there was still another poet I read before I took up with the lawyer poets—Robert Bly. And how does a law teacher find his way to reading Robert Bly when he's managed to avoid most poets, living and dead? When I first set about to invent myself as a law teacher—late 1970s, Chicago—I had in mind also to pursue an interest in psychoanalysis (an interest prompted, oddly enough, by one of my first law teachers, John Batt). One reason for teaching in Chicago, a city I learned to love, and left all too hurriedly, was the opportunity to become involved—in some way—with the psychoanalytic community in Chicago. In an odd twist of fate, I ended up, not with the Freudians but with the Jungians. In those years, Notre Dame was sponsoring Jung conferences, and it was at a C.G. Jung conference that I first heard Robert Bly read and perform his poetry. Mesmerized by Bly's energy, his roaming, limitless intelligence, and his poetry, I began to follow Bly's work the way I followed Wendell Berry. Two smart men; they happen to be poets. I read their poetry.

It would be almost twenty-five years after leaving Chicago before I chanced upon the work of the lawyer poets. It probably wouldn't have happened if I hadn't been introduced to John William Corrington (1932-1988). Unfortunately, it wasn't a personal introduction; I learned about Corrington by way of a manuscript submitted for publication in the *Legal Studies Forum*. It was a perfectly fine summer day when the Corrington manuscript arrived, and I was as ready as ever for another morning's diversions, the kind of diversions one comes to expect in the listless days of summer. As editor of *LSF*—ten years in the position now—I've lived well, feeding as I do, off the diversions that come an editor's way. On this particular summer morning, the diversion is a writer named John William Corrington. I've never heard of him. Know nothing about him. But what a diversion it turned out to be.

I learn that Corrington, a Louisiana college English professor, published poet, and novelist, took up the study of law when he was forty; that alone would be enough to make me curious about the man. Corrington graduated from Tulane law school, practiced law in New Orleans for three years, and then, abandoned the legal profession to write, in collaboration with his wife, Joyce, TV soap operas, detective mystery thrillers, and by his own pen, some of the best legal fiction of the 20th century. Somewhere along the way, I learned that Corrington wrote *The Battle for the Planet of the Apes* (Apjac Productions/20th Century Fox, 1973), his 5th screenwork, with his wife Joyce (who has a

Ph.D. in molecular chemistry), when he was a first year law student, and that he was, as well, a serious philosopher. What I had stumbled upon was an incredibly complex and interesting man, a man I knew immediately that I wanted to know more about.

Corrington reminded me, I would later realize, of William O. Douglas, the Supreme Court justice I had admired as a law student. My admiration of Justice Douglas was prompted less by his legal opinions (of which I knew quite little), more by the fact that he was a writer, and like Wendell Berry, a man who was grounded in a place. Douglas was a man of the law who had a life beyond the law.

Corrington's flirtation with the law may have been relatively brief, but as I began to read his fiction in the summer of 2000, I realized I had stumbled onto a major writer, a writer who was totally unknown in "law and literature" circles. We don't, typically, intuitively, think of poets when we think of lawyers. So I hoped to find in Corrington's work and his life, a glimpse at how a writer/poet might address these two (seemingly) different enterprises in one life. Did he find his own situation peculiar? Or is there something misdirected/mishapen in our thinking about poetry and about lawyers that makes the juxtaposition of the two enterprises so jarring to conventional thinking?

We think, all of us some of the time, many of us most of the time, in conventional stereotyped ways about iconic figures: *Lawyer. Poet*. We have deep-lying, unexamined images that we associate with these iconic images, images which place the poet and the lawyer in different universes of thought, feeling, and practice. It's hard to wrap the convention-bound mind and its established images around the idea of a single person being both lawyer and poet. That lawyers may have long dabbled in something we might call "legal verse" (often, purportedly, humorous) is not what we're talking about here. We are talking about lawyers writing real poetry, lawyers making a place for themselves in the world as poets, lawyers who consider themselves poets ever bit as much as they consider themselves a lawyer. It takes an imaginative leap to imagine the poet as a trial lawyer, or working up surety/bond/ guaranty cases for an insurance company, or serving as a Public Defender, or as a corporate lawyer in a mega-lawfirm. The lawyer/poet is an iconoclast, a destroyer of conventional images so set in place that they lie still and secure, beyond question.

You can't teach in an American law school, and have a desire to have your students think about the law as something more than a set of rules, jurisprudence as something other than the mechanical application of law to facts, and not confront the kind of stereotypical notions of lawyers that figure so prominently in the oddness of the idea of a lawyer poet. What every law teacher learns (and some learn to resist) is that no one

is more constrained by fear to confront the rigid, deep-lying stereotypes of *the lawyer* than those who have set out to be lawyers. The paradox is that students who have unwittingly accepted *the lawyer* image (stereotype and all)—the idea that a lawyer is most definitely not a poet—are often the same students who are anxious about the narrow casting of their minds as they become initiates in that seemingly, clearly defined law world in which they assume they *must* live. The stereotyped image of the lawyer is viewed with dread even as it is honored. A life in law is a paradox: It holds great promise and it requires forsaking some parts of the self you suspect might be vitally important for the long journey ahead. (Law students sometimes remind me of the step-sisters in the Grimms Cinderella tale, hacking away at the parts of the foot that doesn't fit the lost slipper held out to them by the prince.) And isn't it this paradox—of great promise and the hacked away parts of the self—that we might expect to find revealed in the lives and work of the lawyer poets?

I mentioned William O. Douglas—Westerner, traveler, writer, lawyer, Supreme Court Justice. How does a man like Douglas understand and live this paradox of great promise and lose of vital parts of the self? And Charles Black—constitutional law scholar, Yale law teacher, jazzman, poet, humanist—isn't there a real possibility that he'd understand and speak, in some way, to this paradox? John Batt, an extraordinary and imaginative law teacher I studied with at the University of Kentucky, set about to convince his students (me among them) that the idea was to be *smart* and that being smart was knowing beyond the law as well as knowing the law. John Batt, one of the most profoundly original and engaging teachers I've ever encountered, had it right. And it was Batt who planted the idea that I might need, as a lawyer, to read Freud every bit as much as I would need to read the law. John Batt taught what the lawyer poets live; we may need more than law to live a worthwhile life; some of us may have more than one life to live. John Batt, William O. Douglas, and Charles Black, were the lawyer teachers who helped me craft and carry into my teaching the pedagogical axiom—Never forget the dangers in studying and practicing law as we regal ourselves in tales of glorious and worthy pursuits. The lawyer poets remind us, as do teachers like John Batt, that we have a life and a mind beyond and beneath law. I suspect I took up with the lawyer poets to learn, even if in the most indirect way, something about those deep-lying purposes in life, something about the life that cannot be contained in the law.



When I began writing about the poet/lawyer, John William Corrington, I knew two lawyer poets, Wallace Stevens and Archibald MacLeish. If you ask a law professor or a poet to name a lawyer poet, Stevens is the name you're most likely to hear (although, oddly enough, he's more often identified as an insurance company man than he is a lawyer). Stevens is, of course, simply too famous a poet not to be known in legal circles. Even lawyers take note, with pride, in Stevens' dual careers as a modernist poet and surety/guaranty/bond lawyer with the Hartford Insurance Company.

Archibald MacLeish, first came to my attention as I followed the scholarly work in the field of "law and literature." MacLeish, a Harvard Law School graduate, practiced law for three years (as did Corrington), and was on his way to a promising career as a lawyer, when he abandoned the legal profession and moved to Paris to become a poet, and later, a playwright, journalist, statesman, and Librarian of Congress. But MacLeish never forgot, in his long and distinguished career, that he was first trained as a lawyer. He may have received three Pulitzer Prizes for his poetry, but when invited, at age eighty, to address an audience of law students and lawyers at Harvard Law School, he claimed that it was his education at the Harvard Law School that had been his most formative education as a poet. MacLeish went on to note in his "Apologia," the published version of his Harvard talk, that his law colleagues found him odd for having abandoned the legal profession for life as a poet.

Given this note of oddness that MacLeish says he came to expect from his Harvard law colleagues, we might think about MacLeish and Wallace Stevens as men who might help us understand how one struggles to be *in* law and live *beyond* it, how by going beyond we learn to live within the limits of the boundaries that mark our small worlds or set out to find ourselves a different small world.

As I began to explore the lives and the poetry of Stevens and MacLeish, I knew there must be other lawyer poets. My friend Lowell Komie, a Chicago lawyer, and like Corrington a masterful writer of legal fiction, reminded me that Edgar Lee Masters' (1868-1950), the author of *Spoon River Anthology*, one of the most popular poets in American history, was a lawyer. I soon learned that Edgar Lee Masters practiced law with Clarence Darrow for almost a decade, and still more astounding, that during some these years, Masters and Darrow had still another poet, Ernest McGaffey (1861-), practicing law with them.

And it was from Komie, that I learned that Charles Reznikoff (1894-1976) was a lawyer. Reznikoff, like most of our poet lawyers is unknown

in legal circles, although he figures somewhat more prominently in the history of modern poetry as an Objectivist (who, along with Louis Zukofsky and George Oppen, formed The Objectivist Press). Reznikoff, born in Brooklyn, attended the University of Missouri School of Journalism for a year and learned he didn't want to be a journalist. He studied law at New York University and was admitted to the New York bar in 1916. He continued to take law courses at Columbia University, and attempted to practice law, but his efforts faltered and he took a variety of menial jobs to make a living, including work as a staff editor at *Corpus Juris* where he worked on definitions of legal terms. Reznikoff, who devoted his life to poetry, is one of the rare poets who has managed to translate law cases into poetry and maintain his reputation as a poet.

With Stevens, MacLeish, Masters, and Reznikoff, I found poets whose association with the law took me well beyond the packaged conventions we associate with "law and literature," and set me off to think anew about how literature and law are to be lived, and in being lived how they come to be viewed by those who live in both law and literary worlds (or who find, so often, that the two worlds can't be lived, and that one must be abandoned so one can fully inhabit the other). As a prelude to this larger inquiry, I decided in the summer of 2001 to identify every lawyer in America who had ever published poetry (or who had written poetry and found no occasion to publish it), and every poet who had been trained or educated as a lawyer. In this quest, I was guided by the maxim: You can run from the law but there's no place to hide. The real surprise was that no one, so far as I could learn, had ever attempted to identify this country's lawyer poets.

The identification of the first twenty and then forty lawyer poets came in a rush. And what a rush it was: Royall Tyler, Joel Barlow, James Russell Lowell, William Cullen Bryant, Sidney Lanier, Charles Fenno Hoffman, William Gilmore Simms. There were famous ones—John Quincy Adams, Joseph Story, Salmon P. Chase, Abraham Lincoln—and a far greater number of obscure ones for whom no biographies will ever be written. Should I tell you—it was the obscure ones who kept me at the task for days, weeks, and months. I knew early on that no complete list of lawyer poets could be compiled; yet, the obsession would have it otherwise: *you can compile something akin to an encyclopedia so complete that no one—in their right mind—would ever think about undertaking such an enterprise again*. Within a few weeks I was looking at a list of over a hundred lawyer poets. With diligence, fueled by curiosity and intrigue, and yes, the oddness of it all, I saw the list grow to two hundred. Several months later it was four hundred; I knew it was time to stop counting. Even then, *I could find no good way to dismount*

the tiger I'd decided to ride. Today, with the list nearing a thousand, I continue to discover new lawyer poets but the effort is slow going now, each new addition requires so much time that it's clear that I've reached the point of diminishing returns.

My initial inclination was to simply identify the historical lawyer poets and move on to other writing projects. There was certainly no thought, initially, that having undertaken this historical excavation work I would actually read any poetry! At one time, I entertained the idea of writing a history of the United States through the lives and writings of poet/lawyers. A colleague, an historian as well as a friend, wisely declined to join me on this proposed history and it was with his polite refusal in hand that I realized that even an obsession has its limits.

Doing the excavation work on the historical lawyer poets, I amassed, with little thought of their significance, a growing list of contemporary lawyers who were writing poetry. My initial interest in this group was limited, but as the work continued, I found I needed colleagues to talk with about the project. Since I had, in obvious ways, better access to the living poets than to the dead, I began to seek them out. In the background of these early conversations there was, at least for me, an unspoken question—does it make any sense to a lawyer, to a poet, or indeed, to anyone, that so many lawyers throughout the history of this country, and today, have turned to poetry? While mulling over that question, I decided that if I was going to talk to poets and keep up my end of the conversation, I'd need to read their poetry. So I began to read poetry, poetry and more poetry. And it was from these conversations and reading the poetry of and my conversations with contemporary lawyers that I decided to compile for the *Legal Studies Forum*, a collection of the best of what I was reading, a collection titled, after weeks of spirited debate, *Off the Record: An Anthology of Poetry by Lawyers*. The anthology, which appeared in February, 2004, was, so far as I know, the first anthology of non-law related poetry of lawyers ever published. And now, two years following its publication, I can report that it seems to have brought neither shame nor fame to either its contributors or its editor!

With the good fortune that sometimes befalls the curious, I found I had tapped into that great mother lode of lawyers who have allied their lives with literature, and buttressed their days with poetry. It was if I had stumbled into a magnificent, old and forgotten library, a library of forgotten poetry—only in this library all the poetry was that of lawyers. And what a library it was—and now is. I've reassembled a relatively small portion of this old library, a collection of almost a 1,000 volumes of poetry by lawyers. I cannot, admittedly, ever read all their poetry, and

one might rightfully assume that much it, unbearable to read, will become a slim footnote in the history of “law and literature.” Yet, as I peruse the remnants of this great library of poetry, my task seems clear—seek out the poetry best remembered and learn what we can from lives we should not forget. I have no doubt it will take most of my remaining years to see it done.

We may, in this era of John Grisham and Scott Turow, have grown familiar with the idea of the lawyer-novelist, but there is still, one finds, both mystery and a good bit of wonderment at the idea of a lawyer poet. In the lives and the writings of these poet lawyers, I’ve found confirmation of a world of “lawyers and literature” well beyond any that I could have imagined. It may not be a world, as yet, of titillating interest in poetry or legal circles, but even for those who seek only to be lawyers or only to be poets, we may find in the lives and the poetry of our lawyer poets a great solace for us all.