

**CORRUPTION AND RESIGNATION IN THE LEGAL FICTION OF
LOWELL B. KOMIE**

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This brief essay looks at eight of Lowell Komie's stories: "Casimir Zymak," "Cohen, Zelinski & Halloran," "Investiture," "Ash," "The Emerald Bracelet," "The Interview," "Podhoretz Revisited," and "In Chancery." In each of these tales there is a level of turpitude, both repugnant and embraced. Just as fungus in the forest is inevitable (and even beautiful, as we find it in the novels of Thomas Hardy), Komie declines moralizing on personal or institutional corruption, rendering its presence in his stories a fixture to either be coped with, or confronted.

At the end of "In Chancery," after the protagonist plaintiff's attorney realizes that an unfavorable reversal on appeal likely occurred due to a "connection" between "the judge who wrote the appellate opinion and [the defendant's] original lawyer," there is no outrage. Rather, the lawyer resigns: "[n]ow it's too late to do anything about it other than write this story." In "Casimir Zymak," the clerk to the defense attorney learns that the ambulance chasing, which he thought was limited to the personal injury bar, turns out to be a far more extensive practice and was not uncommon even among criminal lawyers who used "runners." Even, "the decent Polish-American attorney Zymak must accept runners and cappers as natural, and such practice hardly deters his lecturing the younger lawyer on 'points of law' between pool games." Zymak succeeds in convincing a jury to spare the life of a murder defendant, raising the "plea made to Pontius Pilate to give mercy to Christ." In saving the young man's life, he also, sadly, lost the case; though most important to Zymak is the prospect of later standing by a lake in Wisconsin, to "listen to the birds diving and calling to each other in the sunlight."

In "The Emerald Bracelet," a valuable ornament is stolen by a paramedic from a dead woman, then stolen from the thief by his one-night stand belly-dancer whore, then handed to her father the small businessman looking to retire, who hands it to a corrupt alderman to encourage the City's condemnation of property for cash. Worse, the alderman takes the jewel to "the chambers of Judge Jack Scheinbaum," whom the alderman wants to go easy in a particular criminal case. The alderman tells the judge that for "ten big ones" the judge can move up "to chancery" and out of the sleaze of the criminal courts. What better way to grease that move and get the result he wants than to slip the

judge (to give to the party) the purloined bracelet, “a ritual among old teammates.”

In two stories touching on law firm recruitment, the moral quandaries in “Podhoretz Revisited” and “The Interview” are deceptive, symbolic, and vengeful. In “Podhoretz Revisited,” attorney Joel Greenfield, while watching a bar applicant study next to him on an airplane from Paris to Chicago, recalls that he flunked his bar exam the first time, but had managed to hide that fact from everyone over many years. His deceptive art made him indispensable to his law firm. “He, Joel Greenfield, was the firm’s shredder, the one who went in the office and cleaned it up before the family was admitted. He looked for letters, photographs. Anything the family shouldn’t see, he destroyed. He was the only man in the firm who specialized in the cosmetics of death.” And indeed he discovers the secrets, “the fissures a man falls into, the darkness, the hidden crevice,” as he cleans out a deceased colleague’s office.

In “The Interview,” Susan, a graduating law student, struggles with middling grades and poor performance at interviews. Her personal life is also a bit of a wreck, and she accepts a stranger’s invitation to see the “lawyer fish” at the Baltimore Aquarium, where she dives into the tank to prove no real point to herself. The next day, she has a futile interview at a firm with only four women attorneys out of 125 lawyers, who seemed to look at her and her female escort “without expression” as she walked the halls. While talking to a stuffy corporate partner, she discovers a leech on her neck from the previous night’s unfortunate swim, and when the corporate attorney’s back is rudely turned to answer a phone call she manages to place the bloodsucker gently on the “collar of his immaculate gray pin-striped suit”:

The leech immediately began to undulate toward his neck, crawling toward the golden hairs at the back of his neck. The golden pollen. The white lily.

“Excuse me,” she said, “Peter.”

He turned back toward her impatiently.

“Thank you,” she said.

The lawyer in “Cohen, Zelinski & Halloran,” describes his work in a firm where he first worked in the mid 1950s. He started “eternally optimistic because he was young and really hadn’t learned to worry about life.” After receiving his first salary and buying a car, “[i]nstead of being able to leisurely pursue women, I had to drive my beautiful new car into the scummiest areas of the city and consort with criminals, thieves, burglars, cops, bail bondsmen, judges, bailiffs on the takes and all the effluence of the corrupt Chicago court system.” Komie’s reaction? After a law school classmate goes down for bank robbery he decides, “I

had better get out of the downstairs bar where Jack [Cohen] hung out and leave my friends at Cohen, Zelinski and Halloran before I too became a bank robber." Thus, Komie tells us why in 1956 he opened his own practice.

In "Investiture," Komie describes a 68-year old lawyer who muses, "Had he ever bribed a judge? No. That was his one major accomplishment—a lawyer for forty-five years and he'd never bribed a judge. Maybe he should get a plaque from the bar association." Yet this lawyer, in order to retire with a sinecure of trustee fees from a \$5 million estate to be bequeathed to an order of nuns by an 87-year old client who lays dying in the hospital, must guide her signature on the will. Aware his act could be fraud, the lawyer makes excuses; he "had to do it for her and for himself." He left the hospital "and the odor of her death was in his nostrils." Conversely, in "Ash," an established black domestic relations judge rejects a bribe to advance to the federal bench. Judge Williams was tired: "He learned to make people feel that he had helped them when he hadn't done anything to help them. The people passed through the seine of his courtroom like tiny silver fish . . ."

A big firm lawyer with a divorce case for a corporate president senses this, and hands the judge an envelope with \$27,000 in cash and checks made payable to the judge's supposed "campaign fund." But the judge burns the money "into a pile of ash," rubs the remnants on his eyelids and cheeks, and takes the bench "like a Masai chieftain, his face covered in ash before a ceremony of battle." The judge reasoned, "he didn't need them"—the downtown power brokers—because "[h]is pension was vested." Nor did he want to become "another fool. A geisha." But Williams "doubted" at the end that his act would make the corrupters "back off." Judge Williams doesn't consider whistle-blowing, but does think about retiring "to Africa [to] become a teacher."

What message lies in this coping, dodging and living with moral fraying? Although the stories sound in mostly pre-Greylord times, Komie never suggests that corruption has been conquered in Chicago or elsewhere, or that deception and barriers at law firm institutions have withered. Today, the untoward advantage of one's home-town adversary, or a lawyer dropping one client like a hot potato for a bigger fee, or counsel cowardly failing to report financial fraud up the ladder, or billing statements crassly inflated, or the lack of minority partners in large firms, rankle as much as the patent improprieties of Komie's Chicago. Nor does the emblematic emphasis on money and fees imply a corruptive source unique to lawyers. Komie's lawyers are mostly getting by, with one hand on a usually distressed wallet, for as Komie says in "The Law Clerk's Parrot," "[i]n a lawyer's life, the fee is always the truth, no matter what songs are sung." If anything, the moral ambivalence of

lawyers arises in the bitter knowledge that law is more a common laboring than lawyers would want to admit. For Komie, like all exceptional writers, is really on about the practice of being, about what tests fairness and human resolve. It so happens his experiences are among courts—and the more than occasional morally bankrupt or adrift officer of the law—but the resignation and perseverance in his tales could just as easily have arisen in stories about seamen, factory workers or bankers, with all the natural and man-made injustices of these endeavors dressed up in different stagecraft.