

**"DON'T BE BEGUILLED": GENDER, INSIDE-OUTSIDERS,
AND JUSTICE IN THE STORIES OF LOWELL B. KOMIE**

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As she rode the bus back to Loomis Street she thought about what she had done. I don't understand them. I will never understand them. But I must become one of them.

— Lowell B. Komie, "The Ice Horse"¹

Lowell B. Komie's stories are, simply put, remarkable. They are a pleasure to read, "beautifully written, well-crafted, poignant and haunting."² They record lawyers' "everyday struggles and foibles, whimsical acts and persistent longings . . . with such vividness that the small dramas of everyday professional life sear themselves in memory."³ They allow lawyers to "see our own lives in a more focused, poetic way."⁴

They are also remarkable from the standpoint of perspective. Although Komie writes of Chicago lawyers and their "everyday professional life," he discovers the fantastic and surreal in the ordinary events of his lawyer protagonists by inviting readers to see them as "inside-outsiders," as lawyers who have found a place in the everyday lawyering world but who cannot, or will not, allow themselves to be identified as true "insiders" in that world.

For example, Mark, the young male lawyer in "Solo," has "refused to accede to the firm policy of 2,000 annual hours," and refused to "pad his time." He is fired, goes solo with his severance money, and by the end of the story is coming to accept that he will "have to give and receive injury" to make it in the lawyering world.

Then, there is Albert Westheimer, in "The Law Clerk's Parrot," a married man in his mid-fifties, who has "disassociated himself" from his former seven-lawyer firm and now has a solo practice in the same office.

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¹ "The Ice Horse," in Lowell B. Komie, *THE LEGAL FICTION OF LOWELL B. KOMIE* 23-35, at 29 (Chicago: Swordfish/Chicago, 2005).

² James R. Elkins, *Lowell B. Komie of Chicago—Lawyer and Writer*, 25 *Legal Stud. F.* 1, 2 (2002).

³ *Id.* at 2.

⁴ *Id.* at 3.

Westheimer experiences the beeps and noises of the phone and fax system as “dart points,” as a “spear” attacking him in his own office. Representing a client in a bankruptcy case, Westheimer sees the creditors’ lawyers as “predatory and officious,” noting how they “bowed and scraped before the judge like little marionettes in a puppet theatre.”

In a story with dark overtones, “Who Could Stay the Longest?,” Derek Haughton, a lawyer dying of AIDS, who “had practiced law in Chicago for twenty years, at first for eight years with a large, distinguished, old-line firm,” and then, “fail[ing] to make partner . . . slipped down into smaller firms, each not quite as prominent as its predecessor.” He keeps his private life secret, so secret that “for the first fifteen years of his practice few people knew that he was homosexual.”

The main character in “Ash,” is the Honorable Arthur Williams, Jr., a family court judge in Cook County, a “tall African-American man,” “with angry, dark eyes that made him seem remote or detached, as if he had a secret inner life, that . . . was kept from you but secretly sustained him.” He says, of the divorce lawyers who appear before him, they “all looked alike to him. . . . They look like very expensive gray squirrels.” After he resists the subtle threats of a “wily old” alderman seeking to bribe him to rule for a powerful corporate executive, and returns the envelope with bribe money to the corrupt lawyer who left it for him, Judge Williams thinks to himself, “[h]e’d spent twenty-five years in the system trying to please them and now he would leave before he became just another fool.”

In “Cohen, Zelinski, and Halloran,” a lawyer reflects on his years of practice. Early in the story, he recalls the job postings on the bulletin board at Northwestern Law School in 1955:

In those days the law firms were permitted to advertise “Christian applicants only.” I, being Jewish, was appalled, particularly since the portrait of the Jewish lawyer who apparently donated the building, Levi Mayer Hall, was hanging within fifty feet of the bulletin board. Levi Mayer had been a prominent lawyer in Chicago, the senior partner of a large downtown law firm. I immediately went to the dean’s office and objected to his secretary, a placid, silent, young woman. She promised languidly to make my objection to the dean, but nothing was ever done, and the “Christian only” ads continued behind the locked glass of the employment bulletin board.

The lawyer has flunked his first bar exam but secures a position “at a small firm with a Jewish, Polish, and Irish name, Cohen, Zelinski, and Halloran.” Zelinski coaches him on writing to pass the bar exam, and at story’s end, he “thank[s] Jack Cohen, Mike Zelinski, and Sean Halloran

for giving me a chance at becoming a lawyer when I thought the world had fallen in on me.”

The main character in nearly every story in the Komie collection is situated like the lawyer in “Cohen, Zelinski, and Halloran,” who has found “a chance at becoming a lawyer,” but who still feels separate, detached from the world he, or she, is trying to inhabit. Having chosen the perspective of the inside-outsider, it’s no surprise that Komie writes so about women lawyers. Women are still exemplars of the “inside-outsider.” After exclusion from law practice and the bar, women have rapidly and successfully joined the ranks of lawyers, yet they remain mostly missing from the more powerful inner circles of that world. As the 2001 report of the ABA Commission on Women in the Profession points out:

Over the last dozen years, the number of women law partners, general counsels, and federal judges doubled. At the turn of this century, women accounted for almost a third of the nation’s lawyers, and for the first time constituted a majority of entering law students. Yet despite substantial progress towards equal opportunity, that agenda remains unfinished. Women in the legal profession remain under represented in positions of greatest status, influence, and economic reward.⁵

Women may now constitute almost one-third of all lawyers—and more than half of today’s law students—but they comprised, as of 2001, only 15% of the federal judges and law firm partners, 15% of law school deans, 10% of corporate general counsel, and 5% of law firm managing partners.⁶

This paradox—women’s increasingly large representation among lawyers as a whole, and lagging representation in the lawyering roles viewed as most prestigious and powerful—leaves women’s status in the everyday lawyering world perennially unsettled.

The problems [of women’s lagging representation in the most powerful positions among lawyers] are compounded by the lack of consensus that there are in fact serious problems. Most attorneys equate gender bias with intentional discrimination, and the contexts in which they practice produce few overt examples. Yet a wide array of research finds that women’s opportunities are limited by factors other than conscious prejudice. Major barriers include unconscious stereotypes, inadequate

⁵ Deborah Rhode, *UNFINISHED AGENDA: WOMEN IN THE LEGAL PROFESSION 5* (Chicago, Illinois: American Bar Association Commission on Women in the Profession, 2001).

⁶ *Id.* at 14 (table).

access to support networks, inflexible workplace structures, sexual harassment, and bias in the justice system.⁷

Women are aware that even though they now make up a significant part of the legal profession, the most powerful legal positions are still, mostly, held by men.

Unsurprisingly, given his bent for “inside-outsider” protagonists, Komie has created some remarkable women characters which give life to the dry statistical and historical data collected in the ABA report. One example occurs in the story, “The Interview.” It portrays a law school rite of passage—getting a summer position which the student hopes to parlay into a job after law school—through the eyes of a woman law student, Susan, interviewing at a Baltimore firm, a firm in which the attorneys are overwhelmingly white and male.

There were two receptionists with practiced smiles and wearing silk blouses almost like hers. They offered her coffee or tea. They also gave her a notebook with a roster and photographs of all the partners and associates of Reavis & Ferris.

She began to leaf through the notebook. There were 125 lawyers, and only four women lawyers. No blacks, no Asians, no Latin names.

With these few sentences and details—the receptionists’ gender, their smiles, their blouses so like Susan’s, and the law firm roster notebook with its photographs showing only four women and no minorities—Komie puts a human face on the firm’s lack of diversity. The scene demonstrates how a woman law student in Susan’s situation might feel that she is more like the receptionists at the firm than she is its attorneys. It reminds us of the ABA Commission’s observation that “women’s opportunities are limited by factors other than conscious prejudice.”⁸

Similarly, in “The Cornucopia of Julia K.,” the protagonist, Julia Kiefer, “at thirty-two was a litigator, a trial lawyer, and lead counsel in [a] securities case for her firm.” But Julia Kiefer is so emotionally

⁷ *Id.* at 14. Sociologist Carrie Yang Costello has identified a related phenomenon she terms “identity dissonance,” in her research on the ways that gender, race, and class divisions impact the formation of professional identity. See, e.g., Carrie Yang Costello, *Gender Inequality and Professional Socialization*, 16 (2) *NWSA J.* 138 (2004). She hypothesized that, for example, because of the “aggressive, domineering orientation” that “persists [as the ideal model]” for lawyering, certain women would experience dissonance between their personal and professional identities during law school. *Id.* See also Carrie Yang Costello, *PROFESSIONAL IDENTITY CRISIS: RACE, CLASS, GENDER AND SUCCESS AT PROFESSIONAL SCHOOLS* (Nashville: Vanderbilt University Press, 2005).

⁸ Rhode, *supra* note 5, at 5.

detached from the world she has so successfully navigated that she seems to be falling behind the rest of the lawyers in her world:

It started in the elevator when the doors shut and she realized that she was standing there with her laundry and cleaning in her arms. She knew that she was in the elevator, but she wondered why she was going up to her office carrying a box of laundry and a suit while all the men were pushing past her heading for court with their briefcases. She felt like she had fallen into some kind of time trough. Last week she'd been ten minutes late for everything. This week the trough had grown to twenty minutes, an irretrievable twenty minutes. The doors shut and Julia was alone. She hated cologne and tobacco odors first thing in the morning, and, as the elevator began to move, she already felt the pressure beginning to build behind her eyes.

The gender bias here is far more subtle than we find in the waiting-room at Reavis & Ferris, where Susan Eliofson awaits her interviews with the firm's partners in "The Interview," but Julia's gender is an important part of the picture. Julia notes that "all the men" push past her, and after the men leave, there is the unmistakable masculine odors of "cologne and tobacco" that sicken her as she stands in the closed elevator. There are sidelong references to Julia's gender throughout the story, creating the impression that Julia's depression and troubled mental state relate, in some way, to being a woman, a women in a world of lawyers. For example, as Julia crosses the street to attend a meeting of attorneys involved in securities litigation, she (not unlike Susan) compares her appearance to that of other, non-lawyer women:

She wore a long hooded raccoon coat with black cloth buttons edged with red glass jewels. In the Chicago gloom she looked like a wealthy young North Shore wife picking her way through the slush to meet her husband for a conference at the bank's trust department.

The other litigators at the meeting are male. Before the meeting begins, Julia abruptly leaves, when Nick, one of the other litigators, ignores her request that he stop fiddling with the electronically-controlled drapes. As Julia departs, Nick remarks, "Julia isn't up to the rigors of a litigation practice." This is a man commenting on a woman, a man commenting on women.

The final and most striking scene in "The Cornucopia of Julia K." occurs in Julia's office: Julia is sitting at her desk, recklessly trimming her hair, when a female law student arrives for an interview.

There was a soft knock on [Julia's] door. [Julia's secretary] stood there with a fresh-faced young woman, dressed in a long woolen sweater, no cosmetics, about twenty-two, obviously a student. "Julia, this is Kimberly Bascomb; she has an appointment with you, an interview."

"I don't know anything about an interview."

"Julia, it's in your diary." Claudia looked at her.

"Sit down, Ms. Bascomb," Julia said to the young woman. Claudia shut the door.

Julia made a paper cone for the hair trimmings, like a funnel, and let them all fall into her teak wastebasket.

"Why do you want to be a lawyer, Ms. Bascomb?"

"I think I really want to help people."

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

The young woman was silent.

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

"I would still like to apply."

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

"Ms. Kiefer, you've become a partner in this firm. That's an accomplishment."

"Is it?"

"I think it is."

"Don't be beguiled." Julia began making another paper cone. She picked up the scissors and snipped an inch of her hair and dropped the cuttings in the paper cone.

"Here, Ms. Bascomb, is a cornucopia of sorts. Take it with you. Someday, when you think about our meeting, you'll realize that I really gave you something."

The symbolic use of gender in this scene is rather obvious: Julia is cutting her hair shorter and shorter, more like a man's; her firm consists of eighty-five men and three women; her warning against corporate law practice is delivered to a softly-knocking, "fresh-faced young woman," who wants to help people.

Like "The Cornucopia of Julia K.," many of Komie's stories suggest that stereotyped gender roles are a constant presence, a sort of background noise, in the lives and minds of women lawyers.⁹ For example, a female divorce lawyer in "Skipping Stones," reminds herself,

It wasn't easy being a woman litigator in the male club of the divorce courts, but she was a fighter and good at her work

⁹ In this way, the stories may capture a glimpse of the "identity dissonance" Costello's research has uncovered. See *supra* note 6.

....
"She didn't want to harden into a man; she wanted to keep herself feminine. She didn't want to ossify into the curtness and gruffness of a man.

One Komie story quite bluntly relates femaleness to humanity and softness, maleness to inhumanity and hardness, "Mentoring," a story about a young woman lawyer named Alison. As the story opens, Alison recalls that she was "dressed like a woman who had stepped from the pages of *Vogue*" when she entered the conference room of Whitney & Hume the day they hired her. The firm knew "[i]t was time for a woman and a Jew, and she fit both categories." She was asked that day, "You are not now pregnant, are you, Ms. Hirsch?" and though she wonders to herself whether "male applicants . . . were [also] putative fathers," she answers frankly, "I am not pregnant. . . . And if you think I resent the question, I don't."

Two years later, Alison has just miscarried the child of one of the hiring partners, John Watson, a married man with whom she's been having an affair. The miscarriage happened as Alison showered at a health club after an afternoon racquetball game, and Alison has rather gruesomely retained the remains of the fetus in a plastic bag in her purse.

After the game, Alison meets John Watson for dinner as she had planned, and John, who has been pressuring her to have an abortion and who does not yet know about the miscarriage, informs her that the firm's executive committee has now considered the situation and agrees that she should have an abortion. Alison responds by showing John the plastic bag and telling him she's already miscarried. When John leaves the table and then returns, Alison tricks him into believing she has placed the remains of her miscarried fetus on his plate of sushi that John is eating.

During their argument, Alison asks John, "You want to play hardball, John? Like they do in the men's games?" Later, as Alison buries the fetus in the ground with a hand hoe, we hear her voice the opinion that such horrific inhumanity is actually something equated with maleness and civility, and alien to her: "Of course she hadn't fed him their child. Let him think she'd done it. She wasn't courageous enough to do something male and civilized like that."

This story, "Mentoring," asks the reader not only to consider the nature of gender stereotypes, the duality between humane female behavior, and "male and civilized" behavior. It forces the reader to consider the nature of lawyer stereotypes, whether good lawyers really

are tough and hard, “male and civilized,” and perhaps whether they should be.

This broader concern, a focus on lawyer stereotypes, emerges in many of Komie’s stories, stories with both men and women protagonists. For instance, in “Cohen, Zelinski, & Halloran,” the lawyer, Zelinski, is described as “very businesslike, prompt, and efficient. . . . He never engaged in small talk and he was combative and argumentative, all good qualities for a lawyer.” And in “The Ice Horse,” the partner responds to a law clerk’s request for help with an emergency *pro bono* case by remarking that, “If you want to be a lawyer, you have to toughen yourself. You have to understand the profession, this office. The way we do things here.” In both stories, Komie emphasizes that the lawyering world demands lawyers who are tough, combative, and businesslike.

Likewise, the protagonist in “The Ice Horse” views the hard, cold, emotionless male partners in the corporate law environment as almost alien creatures. She is a female law clerk who works evenings at a corporate firm and volunteers at a nonprofit agency. Her boss at the firm, a married partner named Edward Parkhurst, makes unwelcome sexual advances towards her. One evening she lingers in his office when he has left, and notices a photograph of Parkhurst’s family, which shows them, before the fireplace in their living room, Parkhurst and his wife expressionless in the center, their children on either side, a large Irish setter seated on its paws in front of them. Each daughter had initials on her sweater, the wife wore a tweed jacket. They were such formal people. Did they all love each other? She wondered. She snoops in Parkhurst’s desk, discovering \$500,000 in five different savings accounts in his desk and \$20,000 in cash. “Why? Why did he need all this money?” Later, as she rides the bus home, “she thought about what she had done. I don’t understand them. I will never understand them. But I must become one of them. My people have no lawyers. We are alone. I must become one of them.”

A number of male protagonists express similar sentiments. Judge Williams, the honorable judge in “Ash,” who resists bribes and threats at the risk of losing his career, describes the envelope containing the bribe money this way: “It was all so neat and corporate, so dignified. The perfectly typed, perforated checks, even the typography on the labels was perfect, yet it was so arrogant. Did they really think they could make a campaign contribution to him?”

By showcasing these gender/lawyer stereotypes and how women and men bump up against them on a daily basis, Komie’s stories invite the reader to consider the stereotypes, but more importantly, to consider the nature of law practice and the character it requires. The stories ask not only, whether women are softer, less combative, more humanized, and

less businesslike than men, but perhaps more importantly, are women or men who are softer, less combative, and less businesslike, therefore less well suited to practice law?

With regard to the first question, recent psychological research regarding men's and women's work behaviors suggests the answer is a qualified "no." As the ABA Commission explained:

The evidence for many presumed gender differences is, . . . weaker than commonly supposed. Psychological research finds few characteristics on which men and women consistently differ along gender lines, and even on these characteristics, gender typically accounts for only about 5 percent of the variation. Contextual forces and other factors like race, ethnicity, and sexual orientation can be equally significant. The most respected recent studies avoid sweeping claims about inherent gender differences, but also acknowledge the role of gender-based experiences and expectations in professional lives.

....

Efforts to determine whether women lawyers approach their work differently than men yield similarly mixed results. The bottom line appears to be "some women, some of the time."¹⁰

Komie's stories seem sensitive to the fact that, as the ABA Commission notes, the stereotypes are frequently false. As many of the examples above illustrate, the stories often demonstrate how the stereotypes can be harmful, limiting influences.

Komie's stories also offer numerous instances of women, and men, lawyers defying the stereotypes. With the daring of law student Susan Eliofson, the confident and successful divorce lawyer Petra Godic, the female judge Alicia Beauchamp, Komie presents women characters who have not fallen into the state that has befallen the troubled, shaky, hair-clipping Julia Kiefer. A number of Komie's women protagonists demonstrate great bravery, even coldness and hardness. In "The Interview," for example, Susan has, on a self-dare, taken a plunge into the Baltimore Aquarium. The man she has picked up that evening, an SEC lawyer, warns her that her daring spirit makes her unsuitable for a job in a corporate firm: "A woman who can go into the tank with the lawyer fish doesn't belong in the corporate army." And in "The Ice Horse," Cecelia, the young female law clerk contemplates taking the life of the male partner who is sexually harassing her, deciding only at the last minute to let him live.

Even the women in Komie's stories who seem most troubled demonstrate courage. Hair-clipping Julia boldly warns the female applicant

¹⁰ *Unfinished Agenda*, *supra* note 5, at 30 (footnotes omitted).

that her law firm is not a place for lawyers who want to help people. And Alison in “Mentoring” may label herself less “courageous” than her male counterparts, but she does confront her lover, and she does purposefully trick him into believing he has consumed the remains of the miscarriage.

It might also be noted that many of Komie’s male protagonists display softness and humanity. Derek, a 20-year practitioner, in “Who Could Stay the Longest?,” apparently never considers resisting the efforts of law firms to fire him or force him out, and in the end decides to sacrifice his own life to ensure his lover’s financial security. And Mark, the solo practitioner in “Solo” who cannot bring himself to pad his hours, seems saddened at the end of the story when he realizes that as a lawyer he will have to “give and to receive injury.”

Indeed, one of the great delights of Komie’s stories is that his characters are such complicated, lifelike human beings, not reducible to stereotyped identities, female and male, African-American and white, Jew and gentile, rich and poor. Komie’s lawyer characters live in a world in which these stereotypes are real, and thus, must live with and against such stereotypes.

Komie, in drawing our attention to these stereotypes, neither promotes or debates their existence. Instead, he seems more interested in the dualities they represent—maleness/femaleness, logic/emotion, hardness/softness, inhumanity/humanity—and how these dualities seep into a lawyer’s life. Komie’s stories ask the reader to consider not merely whether women can be insiders, but whether in being insiders they must become part of a world that lacks humanity. Do all lawyers, women and men, come to believe, like Mark in “Solo,” that they must be “willing to give and receive injury” to be good lawyers?

Komie’s stories ask the reader to reflect on the modern trend among lawyers to behave in more and more dehumanized, debased ways. In “Res Ipsa and Fox Hunting,” for example, a story recounting an experienced lawyer’s visit to a law school, where he sits in on a day’s classes, Komie gives a glimpse into the thoughts of a long-time practitioner.¹¹ The lawyer is surprised by the students’ “excellence and civility” in contrast to the “greedy and arrogant” qualities of the lawyers he deals with in his practice:

¹¹ Lowell B. Komie, *Res Ipsa and Fox Hunting*, 25 *Legal Stud. F.* 215, 221 (2001). Komie doesn’t make it clear in “Res Ipsa and Fox Hunting” whether he is reporting his own experiences or telling another of his lawyer stories. Since he did not include “Res Ipsa and Fox Hunting” in his collected legal fiction, *The Legal Fiction of Lowell B. Komie* (Swordfish/Chicago, 2005) one might assume that he does not intend for this story to be read as fiction. Perhaps it is that new hybrid blend—“creative non-fiction.”

I stop at Associate Dean Kavanagh's office and thank her [for permitting the visit]. Deans Kavanagh and Seligman and Professors Baker and Dobbs are far removed from my day-to-day legal world. They and their university have an aura of excellence and civility that is missing from everyday practice. I tell her, "The law students I see here are refined and courteous. They have respect for the professors and this institution. What happens to them? In Chicago, when I come up against young trial lawyers in big firms, they most often completely lack civility. They're greedy and arrogant—not all, but many of them. Their word is worthless.

The lawyer in "Res Ipsa and Fox Hunting" wonders what it is about modern law practice that leads "refined and courteous" students to become, "greedy and arrogant." He asks the Dean, "Is it the big firm culture, the lure of money and power, that changes these young people so quickly?" He wonders to himself, "Where have we gone wrong and why? Is it the system and legal education that causes the terrible malaise that has infested our profession? Why as a profession have we become so fixated on money and power?" In the end, he admits he doesn't "have the answer but [does] have a conclusion—law school hasn't changed that much: We as lawyers and people have changed and our values have changed."¹²

The apparent nostalgia for the "good old days" of lawyering expressed in "Res Ipsa and Fox Hunting" at first seems at odds with the story's sensitivity to past discriminatory practices. The nostalgia expressed here, though, seems best understood as nostalgia for a more personal, human way of interacting, rather than for the old days of discrimination and exclusion.

Perhaps the story "Justine," a fantastical tale about a monument to justice, shows best how Komie uses stereotypes—both gender stereotypes and lawyer stereotypes—to undermine them. In the early parts of the story, the main character, David Epstein, who has been charged with creating the monument, is giving his attorney, a young female associate named Linda, a tour of the monument. (Linda has won the assignment to David's case because of her ability to sew.) On the outside, the monument is "a mammoth glass figure of the Goddess of Justice . . . holding the scales of justice in one hand and a sword in the other." Linda soon notices that although Justice is personified as a woman, the same is not true of lawyers. On their way to the entrance to the museum itself, David and Linda pass pedestals of famous lawyers, and Linda notices none are women:

¹² *Id.* at 222.

"No women?"

"Well, the Goddess of Justice is a woman."

"Justitia, a Roman goddess. But you should have other women lawyers. Shakespeare's Portia, certainly Anita Hill, Sandra Day O'Connor, Hillary Clinton, Janet Reno . . ."

David changes the subject, and after paying a dollar—they learn from the gatekeeper that even the owner of the place must pay to enter because "[w]e got justice in here"—they are allowed to enter. Inside, they pass the New York Panorama, figurines of young lawyers being painted and dressed, "sallow and gray-faced," with "pin stripes for the men, and black suits for the women."

The message that women are not really equal becomes even more obvious in the glass-ceiling ballroom. This is a ballroom "with a low, glass ceiling. Couples were dancing, but the women were crouched over." The dance is a masked ball, and the guests may only remove their masks when they leave the dance floor; but only men are allowed to leave the dance floor by exiting up the stairwell: "The women just keep dancing and dancing alone and twirling hunched over under the glass ceiling." Linda soon has had enough, and says, "Let's just get out of here. I'm tired of standing in this stooped position."

Later, David drinks a magical potion that summons Gandhi, and then asks Gandhi for advice about lawyering. Gandhi replies that "the white rose has three petals. One is for wisdom, one love, the other is a mantra." The mantra is simple, and humorous: "Never take a postdated check." But the wisdom/love duality is more complicated. Gandhi refers to it again when he warns David about the monument he has built:

"Here you have built a beautiful tower, almost like the Taj Mahal, but you really have nothing here for the people. Not even a fountain in which they can bathe their tired feet. Nothing for poor people. So your tower will fall unless you modify it."

"How to modify it?"

"Ah, that is the question I cannot answer. Only the white rose knows, and that is why it always remains silent."

Gandhi then vanishes in a puff of smoke, along with the model figurine of Justitia: "Oh my God," Linda said, "I thought I saw the model of the Goddess Justitia get up out of the glass case and leave! There was a puff of smoke and she just got up, put her sandals on, and stretched and left."

When David and Linda exit the building, the message about the law's failures becomes even clearer: David and Linda discover that the poor are burning law books in bonfires and "getting ashes in the pool." The gatekeeper orders the poor to stop:

“All you poor people, all you homeless people, the park is closed as of right now. All old people dangling their feet in the pool must stop and leave the premises. All homeless people sleeping here must clear out. The park is now closed. The Hall of Justice is closed. You must leave the premises immediately.”

And the next day, at the unveiling of the monument, protesters hold up signs saying, “JUVENILE COURTS ARE CESSPOOLS, NO ACCESS TO JUSTICE FOR THE POOR, INSURANCE COMPANIES OWN THE COURTS, BIG BUSINESS OWNS THE LAW SCHOOLS.”

David decides to offer free rides on the reflecting pool and “free flowers for the ladies and fountain pens for the men,” but to no avail. By that evening, the monument “was smashed by hundreds of poor people, the elderly, the homeless, running through the park in bands, throwing stones and bricks and tossing law books in a huge fire set in the reflecting pool.”

On his flight out of town, David realizes he’s been paid with a postdated check. At this apt moment, Kafka, whom David summoned by potion, the same way he summoned Gandhi, speaks to David over David’s earphones. David asks Kafka what went wrong. Kafka explains that “First of all, you must realize there is no Justice. If you think you can build a tower to Justice—forget it—you can’t. There is no such thing as Justice.” He then advises that David should have built condos in Beverly Hills instead of the monument. But David has one more question:

“Who is Justine?”

“Justine is Justitia, the Goddess of Justice. She just shortened her name to something Americans can pronounce.”

“She was in the glass box. Where did she go?”

“Where did she go? She’s a stewardess on your flight. Turn around, David. But stay away from her. Don’t pay any attention to her. She’s nothing but trouble. You can never please her. She always demands perfection. In seeking Justice and Love we always demand perfection and we always fail.”

David seems to take Kafka’s message to heart. Though he does stare “at the beautiful stewardess,” when Justine comes to his seat, he says, “Go away, Justine . . . Leave me alone.”

Though this final scene in “Justine” suggests that justice is illusory, and though David seems to have run out of energy for the attempt, the reader must confront Komie’s searing images of injustice: the glass-ceiling ballroom where the women lawyers are doomed to forever hunch and slouch their way across the dance floor, justice personified in the goddess Justine who vanishes from this horrible monument David has

created, and the gatekeeper ordering the poor and the old and the homeless to leave, telling them, "The Hall of Justice is now closed."

But unlike David, Komie seems not to have given up hope. He focuses on these images not to prove that justice is impossible, but to help the reader confront the real and daunting dualities that face lawyers. The message for legal education and law teachers is clear:

Our law schools are now part of corporate America, and we as a profession have become part of corporate America. We have sold out. Those who don't want to join up are relegated to small practices and minority lawyers are almost entirely blocked out.

"How do we change this? I don't know. But the basic change has to begin at the law school level . . . We must have more diversity. And, we must actively pursue it."¹³

Not only that, one might add, the profession must welcome such diversity and be changed by it.

¹³ *Id.* at 220-221.