

Chapter Four

Letter to My Friend, Lowell B. Komie

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In [Edward] Hopper's paintings we find the seemingly ordinary experiences of our individual lives elevated to something epic and timeless, and yet his work appears deceptively simple and straightforward. Hopper shares with the American writers who were his contemporaries a commitment to speak a plain language—to use an economy of means.

—Deborah Lyons, "Introduction," to Deborah Lyons, Adam D. Weinberg & Julie Grau (eds.), *Edward Hopper and the American Imagination*¹

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[Robert Frost's "Birches" is a poem that] really *needs* no explanation. For it is simple, though never simple-minded . . . ambiguous though never obscure, devoid of intellection, but full of intelligence. It is . . . available to us because it speaks, in a language both beautiful and comprehensible, of the deepest yearnings of *all* men and women: of the desire, at times, to substitute a gentler . . . reality for the harsher one of everyday life; of the wish—when we are "weary of considerations" as we so often are—"go get away from earth awhile" and live in a world of our own imaginings, far from the realities of ice storms and personal loss. But the poem is . . . memorable and beautiful above all for its willingness to *return* to the world, and to the reality from which it so longed to escape . . .

—Michael Blumenthal, "A Career in the Air Is Like None on the Ground": *Where Shall the Poet Live?*²

¹ Deborah Lyons, "Introduction," in Deborah Lyons, Adam D. Weinberg & Julie Grau (eds.), *EDWARD HOPPER AND THE AMERICAN IMAGINATION* xi-xiv, at xi (New York: W.W. Norton & Co./Whitney Museum of American Art, 1995).

² Michael Blumenthal, "A Career in the Air Is Like None on the Ground": *Where Shall the Poet Live?*, 31 Legal Stud. F. 415, 417-418 (2007) (the essay first appeared in *Nimrod*).

I have been teaching Lowell Komie's stories for several decades now. I have trouble imagining my Lawyers and Literature course without Lowell's stories and I find I often think about Komie's lawyers even when I am not reading his stories with students. For years I exchanged notes with Lowell about his work and about teaching his stories. I am saddened by the realization that I must now, in these final years in the classroom, teach Lowell's stories with the memory of Lowell's steady friendship and the knowledge that my good friend and colleague, Lowell Komie, departed on a still another great journey—Lowell Burt Komie, 87, of Highwood, Illinois, died Thursday, October 29, 2015.

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For some reason, when I read Lowell's stories with students, I have this curious notion I should write him a letter—something that would tie-up all the loose ends in my thinking about his stories, something more serious than the causal off-hand thoughts I've offered Lowell over the years in our emails. In my letter to Lowell I imagine that I would try to explain my fascination with his stories and how I have found a settled place for his stories in my teaching and that, for all manner of subterranean reasons, I will carry his fictional lawyers around with me for what days I have left before I join Lowell on his great journey. Let me put it this way: Lowell's lawyers remain central characters in the wispy dream of my epistolary intentions.

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Dear Lowell, I trust this letter finds you writing, that you are in the middle of still another story, or perhaps you have another novella or novel underway I know, after so many years writing—is it really more than 50 years now that you've been writing?—you have decided in on a life that requires that you write, in this life and beyond. Now, the momentum of years bearing down on me, I am pleased—actually I feel blessed—that you were so driven all those years by some insatiable desire to craft story after story.³ With little evidence that a lawyer would

³ Lowell Komie was, I should note, a novelist as well as a craftsman of short stories. His novels include: *THE LAST JEWISH SHORTSTOP IN AMERICA* (1997), *CONVERSATIONS WITH A GOLDEN BALLERINA* (2001), *THE HUMPBACK OF LODZ* (2004) (the protagonist is a Chicago law professor but the fact that he is a teacher plays an insignificant role in the novel), *THE AMERICAN BOOK STORE IN PARIS* (2009), all published by his own press, Swordfish/Chicago. Komie was also the author of a novella, *See, THE SILHOUETTE MAKER OF COPENHAGEN: A NOVELLA & STORIES* (Chicago: Swordfish/Chicago, 2006). I might note

consider admissible, I surmise that you have translated your own experience as a lawyer into the meditative stories I am pleased to ask my students to read—stories that prompt us to reflect on our own lives and how our lives have taken the shape they have. Where you, Lowell, may have stood apart from your stories, or with them, or in them, is an open question. There is a clue, however, in your story, “Cohen, Zellinski & Halloran,” where you say, “How much of this is true and how much is fiction I don’t even know. Truth and fiction are so intermingled in my memory that I simply no longer recognize the difference.”⁴ You brought so much of your own life to your stories—and you explicitly embedded your life as a lawyer in a series of published writings you called “commuter’s notes”—that it becomes difficult for me to think of you apart from your stories.⁵ I trust that you will not be dismayed by my identification of your life as a lawyer with the lawyers we find in your stories.

Weak moments excepted, I avoid the temptation to prod you on how much of your own experience as lawyer, indeed, how much of your life, was poured into your stories. Unwilling to press this annoying inquiry, I presumptuously designated myself as your spokesman on this matter. Here is what I imagine you might say: *I try to make it possible for readers to see the world of lawyers in the stories I tell. I’ve made no effort to set myself as a writer apart from who I am when I go about my work as a lawyer. While these stories should not be taken as chapters in the life of Lowell Komie, the stories should not readily and off-handedly be dismissed as “fiction.” As you teach your students, fictions have a real bearing on our lives; I don’t see how my stories could have been written without having lived the life I have. If I’ve created a quandary for the reader in figuring out how much of my life has been translated into fiction, I would point out that my fiction is just that—fiction—and it must, I think, remain a puzzle for the reader as all fiction must.*

Lowell, you told me once that if I wanted to know something about how a life is melded into stories, I should read “Burak”; you referred to “Burak” as one of your “commuter stories.” When I inquired further

thzt many of Komie’s stories do not feature lawyers.

⁴ “Cohen, Zelinski & Halloran,” in Lowell B. Komie, *THE LEGAL FICTION OF LOWELL B. KOMIE* 129-140, at 139 (Chicago: Swordfish/Chicago, 2005).

⁵ Komie calls one bundle of his writings about lawyers—“commuter’s notes.” “A Commuter’s Notes I,” “A Commuter’s Notes II,” and “A Commuter’s Notes III,” appear in Lowell B. Komie, *A LAWYER’S NOTES* 11-50 (Chicago: Swordfish/Chicago, 2008). A fourth installment of Komie’s “commuter notes”—*A Commuter’s Notes-IV*—appears in 33 *Legal Stud. F.* 299 (2009). Komie began his “commuter’s notes” in an essay, “Shards and Crosses,” published in *The Agni Review* in 1974.

about this commuter motif that makes its way into your stories, and in a personal genre of your writing you commonly refer to as “commuter notes,” you sent me a 1974 issue of *The Agni Review* that contains your essay, “Shards and Crosses.” The “shards” in “Shards and Crosses” are, I suspect, your first installment in what you have long called “commuter’s notes.” The “shards” in your *Agni Review* essays goes like this:

On the commuter train. Homeward bound. A winter evening. Chicago.
The city covered in black mist. Now the conductor comes calling for
tickets with false heartiness . . . “Up deck please, gentlemen.” The only
sound is the clicking of his punch as tiny shards of commutation tickets
fall—descending

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on trousers or lodging in
the crevices of attache cases.

A pool of light through the dark of the window. The golden arches of
McDonald’s with the flag at half mast in the rain. They mourn for
Truman and Johnson. Then the light is gone and the city is hidden again.
The train picks up speed, accelerating through the west side ghetto and
suddenly there is a cr - aaaaa - ck at the window. A bullet? A stone?
Heads duck. Papers rustle. The passengers stare. The man seated next
to me brushes at the glass slivers he thinks are on his shoulder. He has
a tan from Mexico and a wife full of frenzy for Inca artifacts. I say
nothing. He brushes at the slivers. The window is mottled by the blow of
the object. The conductor continues with his punch and again the shards
descend.

As the conductor clicks “Lower seats gentlemen, please.”

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lost in a cuff or cascading down
a stocking as the leg is crossed.

Each shard of paper * resembles the pattern the stone (or the bullet?)
has made on the win * dow.

Mr. Cozumel tan man looks to me for reassurance. I give him none.
Let him find solace from the wrinkled dolls of Yucatan his wife collects,
her hands mottled from the winter sun as the window is mottled. Each

from some unknown fury. His glasses slip to his nose in a practiced gesture of exasperation. I turn to the crossword.⁶

“Burak,” the story you suggested I read, appeared ten years after *The Agni Review* essay.⁷ “Burak” begins, “I ride the commuter train daily into Chicago to my office on Michigan Avenue, which is the main boulevard of Chicago.”⁸ In “Burak,” the narrator reports his observations as a commuter:

Michigan Avenue is lined with beautiful shops and high-rise towers and rimmed by a park and Lake Michigan. From my office window I can see the reflection of the lake and ribbons of traffic on the glass panels of the new building across the street. It’s an ivory-panelled tower, a white cylinder built by a Chicago firm and French consortium, it has a beveled roof with wiper blades that clean the glass panels. It looks like a mammoth modern chess piece, a queen with wiper blades or a giant robot with a beveled forehead.

It’s now winter in Chicago. People are bundled up in quilted coats and boots and their breaths leave plumes in the air as I watch them from the train window. Chicago is very gray in winter, but this morning I see a man in a red cap in a scrap yard playing with a dog. I also passed some children in red snowsuits holding hands on their way to school.⁹

What dawns on me now is that there are commuters everywhere in your stories. You write about *William Frederick Gottlieb*, a Federal judge for the Southern District of New York:

Each morning, he arrived in his chambers at precisely 9:40 A.M. He lived in a suburb on Long Island and he rode the 7:48 commuter train, a rather leisurely ride, arriving at Grand Central twenty minutes or so later than the express trains and the rush-hour crowds. He liked to read the *Times* on his way into the city and then nap for perhaps fifteen minutes. He always took a cab to the courthouse. The fare was \$1.25 and he gave a quarter tip. At 9:37 A.M. he’d step off the elevator and at 9:40 he’d walk through the glass doors of the private judges’ entrance, nod to the uniform-

⁶ Lowell B. Komie, *Shards and Crosses*, *Agni Rev.* 38, 38-39 (1974).

⁷ “Burak” was published originally by the American Bar Association in 1984 as a *Survival Guide for Solo Lawyers*. See Komie, “Burak,” in *THE LEGAL FICTION OF LOWELL B. KOMIE*, at 157-160.

⁸ “Burak,” *id.* at 157.

⁹ *Id.*

ed guard and stroll down the long gray-carpeted corridor to his chambers.¹⁰

And you present us with *Carter Greenwald*, a lawyer in another story, who appears in “Greenwald Et Cie.,” as a Chicago real estate developer:

Each morning Carter Greenwald anticipated a comfortable ride down to Chicago on the commuter train. He liked a slow train, he didn’t try for an express, he always headed for the rear double seat on the second deck of the 7:51 where he could spread out and let the morning sun bathe his face through the window. The sunlight usually fell in the same arch across the rear double seat and, while most passengers avoided the glare, Greenwald liked to rustle open his fresh paper and shade the light so it fell along his left cheek and warmed the left side of his face.¹¹

When asked by your friend, fellow Chicago writer, Norbert Blei, in an interview, where you called home, you told Blei that home was a “commuter train”:

After all, I’ve ridden the train to Chicago twice daily, five days a week for almost fifty years. That would be over 20,000 rides. I’ve written a novella that I call *A Commuter’s Notes* but I’ve never published it. But all that time on the train really doesn’t seem to me really connected to my vision of Chicago. I suppose that vision would be intimately connected to my law office, but also to my friends and my wanderings. The great cultural institutions, the scenes on the street, the courts, all the corruption I’ve seen as a lawyer, the beggars on the walks, the sounds, the sirens, the trains, the great diversity of races and faces. I often sit at my office window on the fifth floor of a Michigan Avenue office building and just watch the people passing by. I see beautiful, young women, their hair streaming in the sunlight. Beggars soliciting them sprawled on the sidewalk with amputated limbs and paper cups. Beauty and always such great poverty. Sometimes I count the number of people that pass the man with the cup . . . before someone drops a coin . . . usually another poor person, mostly poor blacks dropping the coins. I’ve put some of this in my fiction, the juxtaposition of great wealth and power against extreme poverty and hopelessness. I’m a watcher and observer.¹²

¹⁰ Komie, “The Judge’s Chambers,” 239-246, at 239.

¹¹ “Greenwald Et Cie.,” in Lowell B. Komie, *THE NIGHT SWIMMER—A MAN IN LONDON AND OTHER STORIES* 59-66, at 59 (Chicago: Swordfish/Chicago, 1999) [reprinted in Lowell B. Komie, *IN THE FEAR ZONE* 67-79 (Chicago: Swordfish/Chicago, 2008)].

¹² Lowell B. Komie: *An Interview with Norbert Blei*, 31 *Legal Stud. F.* 983, 986 (2007). In, Komie’s “A Commuter’s Notes,” a commuter named Alfred Witkofsky, a fifty-five year old lawyer, a solo practitioner with offices on the twentieth floor of a building on LaSalle Street with a small corporate, probate, and real estate practice, says: “If I ride two trains a day, five days a week (ten), for fifty weeks a year (500), and have been for thirty years, apparently I’ve ridden the train 15,000 times.” Komie, “A Commuter’s Notes,” 255-263, at 256. Later, Witkofsky muses further about his commuting math: “If I ride two trains

And so, Lowell, my friend, when I read your lawyer stories, I am drawn to this idea of commuting—commuting literally—commuting metaphorically. You seem to have always and forever been engaged in composing an ode to your life as a commuter. I trust you will indulge me, if I add a small footnote in the way of commentary to supplement your “commuter’s notes.”

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One of the earliest references to commuters—the *Oxford English Dictionary* locates an *Atlantic Monthly* essay written in 1865—refers to commuter roads of the kind used “chiefly for the accommodation of city business-men with suburban residences.” Now, over 150 years later, we commute to work; we commute to get away from work, to get us back home. Most of us no longer live where we work. The commuter travels through a liminal space that separates and divides our two worlds: home and office.

Commuters, with the help of a poet, might ponder their plight. Consider W.H. Auden’s poem, “September 1, 1939,” where we find these lines:¹³

From the conservative dark
Into the ethical life
The dense commuters come

As we might expect, there’s a good deal more in Auden’s “September 1, 1939” than a missive on the banality and the observational possibilities in commuting. It’s this wonderful surplus of meaning, so common to poetry and literature, that brings me around—finally—to claim for this tangential note on commuters and commuting a more direct link to your exquisite bittersweet stories about lawyers, law students, and judges. If I have it right, Lowell, all your lawyer characters are, in a sense, commuters. So, that makes you, Lowell, by my estimation, a literary anthropologist of lawyer liminal spaces, the spaces we lawyers inhabit

a day, five days a week (ten), for fifty weeks a year (500), and practice law for fifty years before I retire, I will have ridden the train 25,000 times. If I spend an hour on each ride, I will have expended 25,000 hours commuting, or over 1,000 days. That would be three years of my life sitting on the train.” *Id.* at 257. Witkofsky admits that he’s not so much writing notes about commuting as he is writing about himself and the “sudden lurches” in his life. *Id.*

¹³ W.H. Auden, *ANOTHER TIME: POEMS* 114 (New York: Random House, 1940).

as we move between home and office, as we move between the two worlds in which we try to live our lives.

The commuter, and the commuter's sense of liminality—leaving home, not yet arriving at work—somewhere in between—is impressed into the shape and feel, the tapestry, of your stories. The commuter in your stories takes us from home (a place we most often never see in your stories) to the unsettling scenes of lawyers at work (or musing about the work that is being demanded of them). Being commuters, your fictional lawyers take the occasion to tell us what they see along the way; your stories prompt the reader to reflect on what it means to see the world in the scenes and spaces where we live out and live with the mystery of our work lives.

We get to the office and get to work; then, we find we must get ourselves away from the work—to get back home.¹⁴ The necessity of the work we do does not tell us how we will get home; we receive no instructions on how we are to get away from the work that law requires of us. Lowell, you found, in the naked aloneness of our lives as lawyers—the aloneness of your own work as a lawyer and writer—a way of doing magic—a magic that allows us to experience the emotional hues and subtle greys you paint in your stories and that we find in our own lives as commuters.

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Lowell, I sometimes think of your stories as paintings. One reason I do I attribute to how so often we find our fictional lawyers are fond of and knowledgeable about art. I am drawn to this idea of your stories as paintings by the stories themselves, by how you catch your lawyer characters *in medias res*.¹⁵ You have, in my reading, been exquisitely adept at catching your lawyers in the stalled moments of their lives, moments when life becomes quiet and still. Your portraits of fictional lawyer remind me of the figures we find in Edward Hopper paintings where Hopper

¹⁴ There may well be lawyers so settled into the necessity of their commuting, moving from life at the office to their life at home, and home to office, that the commute itself begins to shape their identity and define existence. My colleague, Amanda Bailey, reading this essay, reminded me that a lawyer is a chameleon, a changling, a ghost—rarely fully in one world or another.

¹⁵ Jack Lynch, professor of English at Rutgers University, on a website for his students, observes that the term *in medias res* “comes from the ancient Roman poet Horace, who advised the aspiring epic poet to go straight to the heart of the story instead of beginning at the beginning.” Komie seems to have taken Horace’s advice in his finely-crafted lawyer stories.

gives us a few, tempting hints, suggesting fates which seem to be hidden just beneath the surface. And this suggestion touches us, arouses our interest and concern. But how are we to define what we see? As soon as we begin, we realize how little we know about the reality depicted—as little as we know about people met on the train, in a café, or at a party. Hopper provides only a scant few details, but they are details charged with significance. More than a paucity of clues, it is this abundance of suggested meaning that makes it so difficult to say anything about Hopper's pictures. Their surface proves impenetrable. We cannot see what lies beneath. We begin to wonder whether it is possible to do what the paintings seem to demand—to imagine the stories of the people who appear in the paintings.¹⁶

The poet Mark Strand, in his meditations on Hopper's paintings, finds a descriptive, reflective language that perfectly captures my experience in reading your lawyer stories. Strand says of the figures in Hopper's *Chair Car* (1965): "The four passengers display a randomness of individual concerns. One reads, another stares at the one who reads, another's head is tilted to the right, another's to the left. In some way, the inwardness of each seems to intersect the main thrust of the painting, freeing them from the imprisoning character of the car."¹⁷ The painting produces, says Strand, a "sensation of being both locked in and locked out at once . . ."¹⁸ In your lawyer stories, we have a catalogue of lawyer characters that offer us a brief glimpse of inwardness.

In 1925, Edward Hopper painted *The House by the Railroad*, a painting that, with its "deliberate, disciplined spareness,"¹⁹ became a hallmark of Hopper's work, just as, in my reading, spareness is a defining motif in your stories. Mark Strand describes the house in Hopper's *The House by the Railroad* as if the house were a lawyer in one of your stories: "The house seems out of place yet self-possessed, even dignified, a survivor—at least for the time being. It stands in the sun but is inaccessible. Its hiddenness is illuminated but not revealed." Strand goes on to observe:

Standing apart, a relic of another time, the house is a piece of doomed architecture, a place with a history we cannot know. It has been passed by, and the grandeur of its containment doubles as an image of refusal.

¹⁶ Wieland Schmied, *EDWARD HOPPER: PORTRAITS OF AMERICA* 40-41 (Munich-New York: Prestel-Verlag, 1995).

¹⁷ Mark Strand, *HOPPER* 40 (Hopewell, New Jersey: Ecco Press, 1994).

¹⁸ *Id.* at 46.

¹⁹ Edward Lucie-Smith, *LIVES OF THE GREAT 20TH-CENTURY ARTISTS* 218 (New York: Thames and Hudson, 1999).

We cannot tell if it is inhabited or not. No doorway is visible. Its elaborate facade is still handsome, especially as the sunlight hits it, accenting its architectural details and lending the structure an overall solidity it probably would not actually have The house shines with finality. It is like a coffin. It is beyond us, and so absolute in its posture of denial that attempts—and there have been many—to associate it with loneliness only trivialize it.²⁰

It would be almost twenty years before Hopper painted his celebrated *Nighthawks* (1942), his most well-known painting, now held by the Art Museum at the Art Institute of Chicago, a museum I know you had frequent occasion to visit. Strand describes *Nighthawks* in terms that apply, quite perfectly, to your stories:

In *Nighthawks*, three people are sitting in what must be an all-night diner. The diner is situated on a corner and is harshly lit. Though engaged in a task, an employee, dressed in white, looks up toward one of the customers. The customer, who is sitting next to a distracted woman, looks at the employee. Another customer, whose back is to us, looks in the general direction of the man and the woman There is nothing menacing about it, nothing that suggests danger is waiting around the corner. The diner's coolly lit interior sheds overlapping densities of light on the adjacent sidewalk, giving it an aesthetic character. . . . Like so many scenes we register in passing, its sudden, immediate clarity absorbs us, momentarily isolating us from everything else, and then releases us to continue on our way. In *Nighthawks*, however, we are not easily released The diner is an island of light distracting whoever might be walking by—in this case, ourselves—from journey's end. . . . Looking at *Nighthawks*, we are suspended between contradictory imperatives—one . . . that urges us forward, and the other, governed by the image of a light place in a dark city, that urges us to stay.²¹

Strand's meditations on *Nighthawks* and *House by the Railroad*, like so much written about Edward Hopper's paintings, is an uncanny description of the lawyers we find in your stories and your illumination of their aloneness and solitude.

Hopper's paintings are short, isolated moments of figuration that suggest the tone of what will follow just as they carry forward the tone of what preceded them Hopper's paintings are not vacancies in a rich

²⁰ Strand, *supra* note 17, at 17-18.

²¹ *Id.* at 5-7. The commentary on "Nighthawks" in *The Art Institute of Chicago: The Essential Guide* observes that "Hopper denied that he purposefully infused this or any other of his paintings with symbols of human isolation and urban emptiness, but he acknowledged that in *Nighthawks* 'unconsciously, probably, I was painting the loneliness of a large city.'" James N. Wood, *et. al.*, *THE ART INSTITUTE OF CHICAGO: THE ESSENTIAL GUIDE* 58 (Chicago: Art Institute Chicago, 2013).

ongoingness. They are all that can be gleaned from a vacancy that is shaded not so much by the events of a life lived as by the time before life and the time after. The shadow of dark hangs over them, making whatever narratives we construct around them seem sentimental and beside the point.

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In Hopper's paintings we can stare at the most familiar scenes and feel that they are essentially remote, even unknown. People . . . seem to be elsewhere, lost in a secrecy the paintings cannot disclose and we cannot guess at. It is as if we were spectators at an event we were unable to name. We feel the presence of what is hidden, of what surely exists but is not revealed. . . . Hopper's rooms become sad havens of desire. We want to know more about what goes on in them, but of course we cannot. The silence that accompanies our viewing seems to increase. It is unsettling. We want to move on. And something is urging us to, even as something else compels us to stay. It weighs on us like solitude. Our distance from everything grows.²²

Lowell, I think of you as a writer of stories, who, like Edward Hopper,

stands just outside the scene, unnoticed, as if waiting to catch the characters at moments in which they would least wish to be observed. [Hopper] opens an invisible door and enters the room unannounced. By inviting us to accompany him and surprising his figures in their private realm, alone with their most intimate thoughts and feelings, he catches us out as well.²³

Your stories allow us to enter that out-of-sight realm of a lawyer's world; your sobering portraits of fictional lawyers allow us to see ourselves in a new light.

Lowell, reading your stories, I get the sense that your lawyers are keeping an eye on me; they observe me from their distant place on the printed pages of your portraits.²⁴ Your fictional lawyers read us, as we

²² Strand, *supra* note 17, at 23, 59.

²³ Schmied, *supra* note 16, at 68. What Komie does in his stories is show us the ephemeral moments in the lives of his lawyers, moments that speak to our longing and our unlive d desires.

²⁴ When Judge Alicia Beauchamp muses about being a handmaiden to corporations and their lawyers, I find my way, following an obvious association, to Margaret Atwood's *The Handmaid's Tale*, and then, by fortunate chance, to Atwood's story, "Death by Landscape," in Margaret Atwood, *WILDERNESS TIPS* 97-118 (New York: Doubleday, 1991). In "Death by Landscape," we find Lois, after the death of her husband, moving into an apartment where she will display her artwork and paintings. The problem, according to Lois, is that her art gives the apartment "a European look." "You know," Lois muses, paintings aren't "supposed to be furniture." Lois makes a point of noting that she had selected all the paintings herself. "Rob [her deceased husband] had no interest in art,

read them. I imagine a gallery of paintings—scenes with isolated people—scenes that capture and evoke a sense of great stillness—scenes that deflect shadows of gray dappled light. Moving from scene to scene—character to character—we may tire of what we see; then, we realize that we cannot walk away from these scenes in which we too have become characters.

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My problem, my friend, in trying to figure out how to bring this letter to a temporary hiatus, was resolved when I heard, as if from afar, a judge, in his practiced sonorous voice, telling us: “And now, counselors, with the evidence for both parties submitted, it is time to present your closing arguments.”

Elkins: I have been reading and teaching Lowell Komie’s fiction for several decades now. I read and return to Komie’s haunting characters, with the sense that they reveal what we tend to forget in law school—that we’re never quite as solid and well put together as we want to think we are. My students resist the thought of such heresy. In the corner of every Komie story, there is a shadow, a glimmer of warning: *Life as a lawyer may not be the royal road to paradise*. Paradise, if it was ever in sight for Komie’s lawyers, is now more likely viewed in the rear-view mirror. And yet, even when the inevitable darkness settles in, there is still humor. In “The Law Clerk’s Lament,” the law clerk wears blue Converse All Stars to the office and changes to loafers when he arrives. The clerk describes Vance Werner, the firm’s probate lawyer, this way: “Every morning he walks in the door carrying his heavy black satchel. He drops the satchel on the floor and, before he takes his coat or hat off, the receptionist hands him obituary notices neatly clipped from the morning paper. He smiles at her. She smiles at him. I think they both groove on death.”²⁵

For some readers, Komie’s characters and stories may be depressing; I’ve never found them so. Komie’s lawyers have quietly worked their

although he could see the necessity of having something on the walls.” Lois, reflecting on the paintings, sketches, and drawings she displays on the crowded walls of her apartment finds that she “wanted something that was in them, although she could not have said at the time what it was. It was not peace: she does not find them peaceful in the least. Looking at them fills her with a wordless unease. Despite the fact that there are no people in them or even animals, it’s as if there is something, or someone, looking back out.” *Id.* at 100.

²⁵ “The Law Clerk’s Lament,” in Lowell B. Komie, *THE JUDGE’S CHAMBER* 66-74, at 67 (Chicago: American Bar Association, 1993).

way toward the brittle margins of their lives and there at the margin, they seem to find a freedom and grace to live the ordinary oddness of the lives they have staked out for themselves. In the juxtaposition of the ordinary and the bittersweet, leavened by whimsical oddness, Komie has created a scrap-book of fictional lawyers that are as puzzling and haunting as Edward Hopper paintings. In Komie's flawless, sparse stories,²⁶ we are presented a world—of lawyers, their whimsical gestures, their longing to be elsewhere—where we are exposed to lives we too end up living.

Komie: "I do enjoy being a lawyer, even if being a solo practitioner means that you spend a great deal of time worrying about money and the letters of your name fluttering out into infinity. So what? If I were in a big firm, I'd have a Mercedes and still worry. If a senior partner wanted me to fly off to Toledo on Saturday morning to review a memorandum on executive compensation at International Ball Bearings, Inc., I'd have to smile and say, Yes sir, I'll go. Fortunately, since I work for myself, I don't have to do that, and that's the best thing about being a lawyer—freedom. You don't have to take a case. You are relatively free. When I graduated from Northwestern, I thought I might lend my considerable talents to the World Court or the United Nations or the State Department. I would have liked to have worn a top hat and striped trousers and argued the Nicaraguan mining case before the World Court. I would have liked to have had my morning coffee on a hotel terrace in Geneva. But gradually, I dropped those ideas and became a lawyer in Chicago with an office on the sixth floor in a glass high-rise building. I can see the reflection of Lake Michigan on the window of the building across the street. I can see people on the street, trees, traffic streaming, colors, sunlight. I can go to concerts over the noon hour or walk in the park or to the Art Institute and look at some of the greatest paintings in the world. I don't have to worry about spending my career jockeying for a corner office with a view. I already have it, and a coffee pot, and a stereo. In the afternoons, as the work winds down, I often listen to classical music. I have several plants. I like to water them and

²⁶ James Elkins, the art historian and art critic—I call him the *other* James Elkins—says of writing: "Make it as richly reflective, economical, and clear as you can, and write as well as you can—poetically, with the right word in every sentence. Observe and cut the common clichés. . . . [T]here is no penalty for paying attention to writing itself" James Elkins, *VISUAL STUDIES: A SKEPTICAL INTRODUCTION* 121 (New York: Routledge, 2003).

listen to Mozart. One of these days I'll take my Supreme Court admission out of the tube and put it in a frame."²⁷

Elkins: When I read Lowell Komie's stories, I can only wonder at the pleasure—and the pain—accrued in writing them. I teach Komie's stories because his lawyers haunt me; I haven't found a way to walk away from or dismiss this world that Komie has his lawyers inhabit. Komie's fictional lawyers are, in a real sense, constant companions and colleagues. Kevin Oderman, my friend and former neighbor who has abandoned West Virginia and now lives in Santa Fe, has a line in his book, *How Things Fit Together*, that captures a sense I have about the way the lawyers in Komie's stories stay with me: "And yet something persists in darkness and in yearning, where desire hums as an absence."²⁸ In the presence of Komie's stories, I feel a sense of longing and yearning of men and women sentenced to live in the shadows of their own lives. Yet, these characters do not seem at all numb to the world, or to the desire that hums as an absence. Komie's lawyer may waver as she walks, first in light, then in that liminal space between light and darkness, and there may be no great forward momentum in her life, yet she persists. If she is going downhill, it is only because she must. It is what Komie leaves unsaid—the yearning, its constant hum—that makes his lawyers so difficult to forget when we turn away from the story and try to get back to what we stubbornly—and with a touch of willed blindness—call *my own life*. Unable to leave these stories behind, I've deputized myself to offer these stories and the lawyers we find in them as companions for my students as they set out on their own long night-sea journey as lawyers.

Komie: "In order to celebrate summer, instead of going right to work, I detoured a block and walked over to the Bank One Plaza to visit the Chagall Mosaic. I hadn't been there all winter because the stairs were icy and the colors are hidden in the gray weather. But today all the colors of Chagall were vivid in the sunlight. I looked for the golden ballerina, and at first I couldn't find her. I didn't have quite the right angle. Then, suddenly, I moved a few paces and there she was, flashing at me in her golden bodice. I also walked around the monument to find

²⁷ Lowell B. Komie, *Intimate Pages: A Lawyer's Notebook*, 25 Legal Stud. F. 123, 130-131 (2001) [reprinted in Lowell Komie, *A LAWYER'S NOTES* 51-66 (Chicago: Swordfish/Chicago, 2008)].

²⁸ Kevin Oderman, *HOW THINGS FIT TOGETHER* 47 (Hanover, New Hampshire: University Press of New England, 2000).

the bluebird, and I found her, full-breasted blue and yellow, hidden in the branches of a tree. And beside her, a falling angel coming down from heaven, diving toward the silhouette of the city and Lake Michigan. Further on, around the corner, I found the beautiful red cardinal, above two lovers embracing. I visited the musicians, the fiddlers, clarinet players, and the dancers. You have to remind yourself of joy and how to be ecstatic and alive. I was alone, all alone with Chagall's artistry, standing in the canyon of glass skyscrapers. No one else was there. I was the only one in Chicago there. Only one person passed, a young woman on her way to work, dressed in a raincoat, talking on her cell phone, her heels clicking, a black bag over her shoulder. She didn't even glance at the Chagall. Also, the bank has put another clock there, 9:04."²⁹

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An Epilogue: Lowell, I suspect that your lawyer stories are of the kind that we might present to law students and say, as my friend, Michael Blumenthal does of Robert Frost's poem, "Birches," "the poem really *needs* no explanation."³⁰ Your stories don't require decoding so much as they demand reflection and conversation. Blumenthal, writing about the Frost poem, "Birches," goes on to talk about the poem in a way that helps describe your lawyer stories: "simple, though never simple-minded"; "ambitious but never obscure," "devoid of intellection, but full of intelligence"; an intelligence of a kind that "has to do at least in part with the difference between living in the air and on the ground . . ."³¹

"Living in the air" has a distinctive and familiar ring to it. Lowell, you know first hand how law students—lawyers—judges—can act like they have launched themselves aloft in hot-air balloons. "Floating in a hot air balloon feels as if you're suspended in the wind. The earth appears to be turning below. The horizon rises as you dip to kiss the treetops, then falls away until the landscape spreads to incredible dimensions. A mere whisper of wind on your cheek tells you that the balloon has changed direction, moving with the breezes through the

²⁹ Komie, "A Commuter's Notes," at 263. Komie gives the "golden ballerina" her full due, in his second novel. See Lowell B. Komie, *CONVERSATIONS WITH A GOLDEN BALLERINA* (Chicago: Swordfish/Chicago, 2001).

³⁰ Blumenthal, *supra* note 2, at 418.

³¹ *Id.* at 418, 416

crystal blue sky.”³² Your lawyer stories, are the perfect prescription for those who are bedazzled with thoughts of a life in law bearing them aloft. Some, in reading your stories, will find they are taking a slow deflating descent; and yes, even legal balloonist must come back to earth.

Lowell, your stories don’t present us with lawyers as protagonists of the kind we find in a John Grisham legal thriller action plot. There are no dramatic courtroom scenes in which lawyers square off; your stories offer little in the way of plot, and we suspect that they will have little appeal to those who want lawyer stories to give us another glimpse of the lawyer as hero. The lawyers in your stories aren’t asked to do much; yet, in the little things they do, in their every whimsical gesture, they prompt us to see what must be done to survive the small worlds we inhabit. Your fictional lawyers don’t swagger with a grandiose sense of self; they don’t celebrate their lives as an endless series of legal triumphs, or evaluate their lives along the success/failure continuum.³³ Some readers may want to characterize your lawyers as “losers”; I do not count myself among them.

For my part, I consider it a wondrous fate to have found your stories. They allow my students and I to get up close to lawyers whose work (and lives) have driven them back into themselves. You present us with lawyers at a moment in their lives when the feel of their work has so settled into their lives, percolated so deeply, that it has begun to touch the raw nerve of the soul, indeed, some of your lawyers come close to being used up by the relentless pressure of work and clients and money problems. Your lawyers, in their commute to and from work, live lives that are never wholly consumed by the mundane; sometimes saved by the simple pleasure of whimsical gesture, they find a spark of life (beyond the mundane) in art, drama, and literature. I find in your stories the coyote’s lonesome night cry on my Kentucky farm: *The law, the practice of law, can devour you; it can, and because it can, it will most surely take its toll and bruise the soul.* The legal profession has a tendency to eat its young; to escape the devouring beast and loss of self

³² This description of being aloft in a hot air balloon is from the website, Hot Air Balloons USA.

³³ Lowell Komie was far too modest, to speak in an expansive way about his fiction and what he might be trying to do in a particular story. He did, however, note some years ago, in a preface to one of his books, “I believe it is the duty of the writer to show characters, however complex, simply and accurately and to lead the reader through the fog of human conduct.” Lowell B. Komie, *IN THE FEAR ZONE* (Chicago: Swordfish/Chicago, 2008).

and soul, we stay on the move. Your stories remind us of what is left
when the beast has had its feast—gristle and bone.