

## AN ACCOUNT OF HOW I FIRST LEARNED ABOUT THE LAWYER POETS

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In the hidden, elite realm of attorneys, poetry is an apparent intruder, a weak outsider doomed to irrelevancy in a place where only the strong and the self-interested survive. Yet poetry, like trial practice or legal writing, if it works well, is an art of rhythms, imagery, and the crafting of language, with the intent to have a certain effect upon the reader/listener. Poetry is a twin to the law, in a sense, walking in the twilight between this world and the next, in its own way just as potentially dangerous to some, just as demanding, and ultimately as capable of being used toward a multiplicity of ends, depending upon whose hands wield its awesome power.

—Charles Abourezk, *From a Lawyer's Heart, A Pulse of Poetry*<sup>1</sup>

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I write poetry and, from time to time, publish it. I also practice law. The two occupations are not always mutually exclusive. There are interesting moments when one discipline seeps into the other, and there seems to be sense—poetic or legal—as it may be. There are other times when my dual interests could not seem further apart. During a prolonged and boring deposition a few months ago, my attention wandered out the window of the conference room to a hawk spiraling above the river bluffs with perfect grace and intention—making our lawyers' squabbles over construction change orders and contract interpretation seem remote and intensely silly. The poetry of the hawk's flight was obvious. The poetry of the stock phrase in an answer to a complaint—"Defendant is without knowledge or information sufficient to form a belief as to the truth of the matter, and, therefore, denies the same"—is less apparent.

—Tim Nolan, *Poetry and the Practice of Law*<sup>2</sup>

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<sup>1</sup> Charles Abourezk, *From a Lawyer's Heart, A Pulse of Poetry* (Book Review), 41 S.D. L. Rev. 624 (1996).

<sup>2</sup> Tim Nolan, *Poetry and the Practice of Law*, 46 S.D. L. Rev. 677 (2001).

With an abiding curiosity and good fortune, a teacher can sometimes stumble onto a trail that leads to a new place, a place that allows us to see the world and ourselves from a new perspective. No stranger to exotic courses, I knew I had ventured rather far afield when I decided to teach Lawyers, Poets, and Poetry. The idea for the course didn't arrive while reading poetry or from an evening in the company of too much Kentucky bourbon. This course comes with its own story . . .

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It was a day embedded in one of those summer weeks when idleness and industry have settled into a quiet truce. I am, or so I tell myself, writing a book on lawyers and stories, an elusive project that is always just one more summer away from completion. On this summer morning, I wait, with a patience easily confused for idleness, for a writing impulse of some kind that will be the strong wind to push me to set sail and write . . . sail . . . write. I caught a strong wind that summer day but it happened to blow me in a different direction than I thought I was sailing.

I watched that morning with detached bemusement as my writing floundered and confusion claimed still another moment in the spotlight. When the postman arrived, I was pleased at the thought of a diversion that might still the swirl of confusion that engulfed me. (I have always taken pleasure in the delivery of the mail, with the arrival of the postman—agent of the outside world—and that moment of expectation, that sense that anything is possible. There may be nothing but another batch of utility bills and advertisements, fourth notice from the AARP that my yearly membership has lapsed, but tomorrow is another day. In this day's mail I find an essay about a writer named John William Corrington and his novella, "Decoration Day." I edit a journal—*Legal Studies Forum*. Colleagues want to see their work published and so essays of this kind sometimes land on my doorstep. Editing a journal like *LSF* provides an endless source of diversions, invitations to set aside

my own writing and tend to someone else's.

I read the postman's delivery of the day with an editor's hope—hope interwoven in a history of disappointment.<sup>3</sup> I don't know Corrington's work, indeed, I've never heard of him. The novella happens to be about a retired judge and I'm always pleased to find interesting new legal fiction. The opening paragraphs of the essay on John William Corrington are not encouraging: The author of the essay argues that the Corrington novella is a literary representation of Plato's search for order in the soul. I don't get much further . . . my mind begins to wander about and threatens to shut down. The prospects for the day have further dimmed. The thoughts of reading on leave me unsettled even as I try to avoid premature cynicism. An essay can sometimes begin with a lurch, steady itself, and reward persistence. Today, I find my moment of gold in the river. Tucked away in the essay, relegated to a footnote, is a brief biographical sketch of John William Corrington. The footnote reads as follows:

John William Corrington received a Ph.D. from the University of Sussex in 1964 and taught English at Louisiana State and Loyola until 1973. He received his J.D. from Tulane in 1976. While practicing law in New Orleans, he remained active as a writer, working on film and television scripts, and continued to publish novels, poetry, and short stories. Among his most significant works are the novels *The Bombardier* (1970) and *Shad Sentell* (1984), the poetry volume, *Lines to the South and Other Poems* (1965), and a volume of short stories, *The Actes and Monuments* (1978).<sup>4</sup>

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<sup>3</sup> The editors of *Crazyhorse*, a literary journal, puts it this way: "Editing a journal calls for a kind of hope steeped in stone cold reality." When the reality of what is found in the submissions to the journal sets in, there is the temptation, the *Crazyhorse* editors say, "to let our hope erode just a bit, one grain of sand worn away from the canyon walls through which flows the river of words we receive." But hope prevails (as we knew it would): "We continue to hope, because there are always, always moments of gold in that river, moments when words form, in the kind of mysterious alchemy good writing truly is, the treasure a fine poem or story or essay can be." "Editor's Note," *Crazyhorse*, no. 81 (Spring 2012).

<sup>4</sup> Douglas Mitchell, *John William Corrington's Decoration Day*, 25 *Legal Stud. F.* 687, 686, n.1 (2000).

The idea of Corrington’s Platonic sense of justice may have been a startling discovery for the author of the essay, but it was the biographical footnote that roused me from languor. I’m puzzled I’ve never heard of Corrington. With the swarm—and growing prominence—of lawyer novelists, learning of still another would not likely stir anyone to lofty thoughts. But there is something in the Corrington biographical sketch that suggests he might be a man cut from a different cloth: He is not only a novelist but an English professor; he has a Ph.D. from England and is a published poet. Along the way, he has managed to become a Hollywood screenwriter and a lawyer. How does a poet and novelist, a professor of English Literature deep in the South, find his way to law school? And what does he find when he gets there? I found There must be a story or two lurking here. I found just enough in the Corrington bio footnote to prompt me to read Corrington’s novella, “Decoration Day” (the novella appears, with a second novella, “The Risi’s Wife” in a book titled *All My Trials*).<sup>5</sup> I didn’t expect the university library to have the Corrington book, and of course, they didn’t. I order it. While I wait for the book to arrive, I learn that Corrington wrote the screenplay for *The Battle for the Planet of the Apes* (his 5<sup>th</sup> screenplay) with his wife, Joyce—who has a Ph.D. in molecular chemistry—when he was a first year law student. After practicing law in New Orleans for three years, Corrington abandoned the legal profession to write TV soap operas and collaborate with his wife, on several detective mysteries. Everything I learn about Corrington intrigues me. He reminds me of William O. Douglas, the Supreme Court justice I admired as a law student. I was drawn to Justice Douglas not so much as a jurist, but by the fact that he was Supreme Court Justice who was also a writer, and a man of the West; he was a man of the law who had a life beyond the law.

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<sup>5</sup> John William Corrington, *ALL MY TRIALS* (Fayetteville: University of Arkansas Press, 1987).

I spent the summer reading and thinking about Corrington's fiction and realized early on that I had stumbled onto a major writer virtually unknown in law and literature circles.<sup>6</sup> I was curious about Corrington: What kind of man abandons the teaching of literature and decides to become a lawyer? What might a life—so steeped in the world of literature—a life that happens to include the practice of law—tell us about what it means to be a lawyer (and about what legal academics know as “law and literature”)? Reading Corrington's “Decoration Day,” I'm stunned by the poetic quality of the writing, and about what little I know of his life. I've set sail in a different direction than I had in mind to sail that summer day when the Corrington essay with its curious footnote arrived.

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In the intellectual labyrinths of a teacher's life, there are diversions, and sometimes, diversions within diversions. Reading Corrington's work I am convinced that I have stumbled upon one of the most astounding legal fiction writers of the 20<sup>th</sup> century. Thinking about Corrington, I am

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<sup>6</sup> I would later learn that William Domnarski, who taught law and literature at the University of Connecticut, had also discovered Corrington's work and was writing about Corrington. See William Domnarski, *A Novelist's Knowing Look at the Law*, 69 A.B.A. J. 1706 (1983)[reprinted in 32 *Legal Stud. F.* 839 (2002)]; “Corrington's Lawyer as Moralizer,” in William Mills (ed.), JOHN WILLIAM CORRINGTON: SOUTHERN MAN OF LETTERS 144-\_\_\_ (Conway, Arkansas: UCA Press, 1994)[reprinted in 32 *Legal Stud. F.* 847 (2002)]. The only other reference in the legal literature to Corrington's work when I began to write about Corrington was a book review of one of Corrington's collections of stories, *The Actes and Monuments* (University of Illinois Press, 1978). See Judith L. Maute, *Book Review*, 37 Okla. L. Rev. 635 (1984). Maute was an Assistant Professor at the University of Oklahoma when she authored the Corrington book review. Corrington made one of his few public presentations to a law school audience at the University of Oklahoma on January 31, 1985 when he appeared, with Judith Koffler for a University of Oklahoma College of Law Enrichment Program. During my research on Corrington, I concluded that the Oklahoma invitation was initiated by Professor Drew Kersen. A copy of Corrington's Oklahoma presentation, titled “Logos, Lex, and Law” was located in his papers (housed at Centenary College, Shreveport, Louisiana) and was first published in the *Legal Studies Forum*. See John William Corrington, *Logs, Lex, and Law*, 26 *Legal Stud. F.* 709 (2002). What role Professor Maute may have played in Corrington's visit to Oklahoma, I have yet to determine.

drawn, again and again, to one particular fact in his biography: *He was a poet*. As a student of law and literature, and contemporary lawyer fiction, I know, as we all know, that lawyers are writers and novelists. Corrington ups the ante: He is a professor of English, a screenwriter, and poet. My first reaction—I suspect a rather common one—is to think of lawyers and poets as existing in different universes of thought and feeling, sensibility and imagination. Poets and lawyers seem, intuitively, to be headed in different directions in life: Law leads North. Poetry takes you South. Corrington defies this common understanding and the settled stereotypes we have of lawyers and of poets.

What I found in Corrington was a living paradox. Accustomed, in an era of John Grisham and Scott Turow legal thrillers, to the idea of the lawyer as novelist, there was still for me a sense of wonderment at the idea of Corrington being a poet and a lawyer. Maybe I shouldn't have been surprised to learn that a lawyer, by training and craft, attuned to the subtle nuance and power of language, might turn to the kind of language work we associate with poets. What I know is that we have a society consumed with an interest in lawyers, and with a never-ending love-hate relationship with them. I also know we are a society of poets that few of us bother to read, even those of us who have a literary-bent. Knowing little about poets, we label them: special and different, marginal and misunderstood; poets are largely ignored (labeled unnecessary, off the reader's radar).

Corrington left me puzzled: What does it mean that we have lawyers who are poets and poets who practice law? Both poetry and law are acquired tastes: should we be a bit baffled when we learn that a single person has acquired a taste for the law and dances with the muse?

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We think in conventional stereotyped ways about iconic cultural figures: *lawyer* | *poet*. We have deep-lying, unexamined images that we associate with these icons, images that place them in

different universes of thought, feeling, and practice. It's hard to wrap our convention-bound repertoire of established images and icons around the idea of a single person being a lawyer and poet. We are talking here about lawyers writing real poetry, presenting that poetry to the world, seeking a place for themselves at the table with other poets. What kind of imaginative leap into the dark is required to think about the poet as a trial lawyer, a public defender, or a corporate lawyer? Try to imagine Wallace Stevens, on his daily walk to the Hartford Insurance Company where he was a surety, guarantee, and bond lawyer. Thinking about Wallace Stevens and John William Corrington, I begin to see the lawyer|poet and poet|lawyer as an iconoclast, a destroyer of stereotypes and conventional images.

When you teach in an American law school, as I do, you can readily see that a good many students think about the law in a knotty confused way: On the one hand they want to think of law as a set of rules, their sense of jurisprudence extending only so far as the problems that might arise in applying the rules to a set of facts (and students try to sound like a real lawyer when they talk about the law and what lawyers do). Stereotyped notions of *lawyer* are as prevalent in legal education as they are with the general public. What I've learned as a law teacher is that no one is more fearful to examine the rigid, deep-lying stereotypes of *the lawyer* than those who have set out to be lawyers. The paradox is that students who accept the *lawyer* image (stereotype and all) are often anxious about the narrow fashion in which they are asked to cast their minds as they move into that glittering world in which they will try to live the *lawyer* image they both honor and fear. A life in law is a paradox: It holds great promise, but that promise is mortgaged by those parts of the self you must forsake—or think you must forsake—as you set forth on the long journey that lies ahead. And isn't it some variation of this paradox—life in the law and life beyond the law—that we find in the lives

and work of lawyer poets?

We've always had lawyers and judges who remind us of the promise|limitation paradox. There is William O. Douglas—Westerner, traveler, writer, lawyer, Supreme Court Justice. Douglas understood the paradox, and fought to embrace it and live it. And Charles Black—constitutional law scholar, law teacher, jazzman, poet, humanist. I think of one of my own teachers, John Batt, an imaginative teacher so original in everything he taught and wrote that I have come to think of him as a wild man among the tamed. If there is in the culture of the law school world, a binary opposition of the raw and the cooked (Claude Lévi-Strauss), John Batt was an exemplar of the raw. Underlying Batt's teaching was the idea that we needed to be *smart* and that being smart required knowing beyond the law (as much as it required knowing the law) and that we could never be certain what it is exactly we might need to know. John Batt was a profound original, far and away as engaging and compelling a teacher as I've ever had. John Batt planted the idea that I might need to read Freud; he didn't tell me it might be the most important thing I'd do in law school. John Batt taught what the lawyer poets live: We may need more than law to live a worthwhile life; some of us have more than one life we want to live. John Batt, William O. Douglas, and Charles Black lay the foundations for a pedagogical axiom: never forget the dangers in studying and practicing law as we regale ourselves in tales of glory and worthy pursuits. John William Corrington reminds us that we have a life and a mind that law does not describe or confine.

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When I set out to write an essay about John William Corrington, I knew exactly 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 most likely name you'll hear. Stevens is too famous as a poet not to be

known in legal circles. (Oddly enough, he is often identified in literary circles as an insurance executive without reference to the fact that he was a lawyer, and always described himself as a lawyer.) Even lawyers take note, with pride, in Stevens' enterprising, mind-bending, dual careers as modernist poet and surety/bond lawyer with the Hartford Insurance Company. Archibald MacLeish first came to my attention as a student 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 (and by some accounts a position on the Harvard Law School faculty), when he abandoned the legal profession to move to Paris to write poetry (he would later become a playwright, journalist, statesman, and librarian of Congress).<sup>7</sup> But MacLeish would never forget, in his long and distinguished career, that he first studied to be a lawyer. MacLeish, in his 80s, published an "Apologia" in the *Harvard Law Review* where he praised again his education as a lawyer.

I began to read about Stevens and MacLeish with the sense that there must be other lawyer poets. My friend Lowell Komie, a Chicago lawyer and a masterful writer of short stories, reminded me that Edgar Lee Masters, the author of *Spoon River Anthology*, was a lawyer. I learned that Masters practiced law for almost a decade with Clarence Darrow, and that Masters and Darrow had still another poet at the firm—Ernest McGaffy. Komie also pointed out to me that the poet Charles Reznikoff had been a lawyer. Unlike Masters, Reznikoff figures prominently in the history of modern poetry as an Objectivist (who, along with Louis Zukofsky and George Oppen, founded The

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<sup>7</sup> MacLeish noted that his law colleagues found him odd for having abandoned the legal profession for his life as a poet. I too feel that slight touch of oddness, at times, knowing that my law colleagues feel that I have abandoned all conventions of the world in which they live and teach. What can one say about a law colleague who spends his days reading poetry, and then has the temerity to publish a poetry anthology? Given this sense of oddness, one searches for rationales and explanations, perhaps a story, that will help explain how a scholarly pursuit becomes an obsession.

Objectivist Press). Reznikoff, born in Brooklyn in 1894, 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. Reznikoff continued to take law courses at Columbia University, but his efforts at law practice faltered, and he took a variety of menial jobs to make a living. In 1928, he became an editor at *Corpus Juris*, where he worked on a legal encyclopedia. Reznikoff, who worked only to sustain himself as a poet—he published his early poetry on his own printing press—became the only significant poet of the 20<sup>th</sup> century to translate judicial opinions into poems.

With Stevens, MacLeish, Masters, and Reznikoff, I found poets whose association with the law put the conventional thinking about law and literature (as a field of scholarly writing) in an entirely different light: law and literature is no longer a study of the law and lawyers we find in literature or legal writing of literary merit but a study of how a life in literature and in law can be lived—how a life lived in both worlds is imagined and described. I began to track down every lawyer I could identify who had published or written poetry, every poet who might have confessed that he had not only tangled with the muse but had been trained and educated as a lawyer. To my surprise, no one, so far as I could determine had ever tried to identify this country's lawyer poets.

The identification of the first 20 and then 40 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 figures, I knew from history and never had any idea they were poets: John Quincy Adams, Joseph Story, Salmon P. Chase, Abraham Lincoln. And there were all those obscure ones; no reason for anyone to recount their names, but for some reason as I added their names and biographies (when I could locate any

biographical information) to that of the better known and the famous, I had the distinct sense that I was doing something of value although I could not articulate what that value might be.

To manage and organize the list and the biographical information I was collecting, I decided that the only sensible way to assemble the information and make it readily available was to create a lawyer|poets website. Within a few weeks, I had put together a list of over a hundred historical figures who had been lawyers and poets. As the weeks progressed, I saw the list reach two hundred, and then four hundred. I began to see, in a strange way, that it had become my lot in life to rescue these lawyer poets from the natural selection of history; it was my fate to create for every obscure lawyer poet who ever lived, a webpage that would identify the poet and his poetry (and other writings). I posted the website, *Strangers to Us All: Lawyers and Poetry*, on September 1, 2001 and work on the project has now extended to over a decade.

In identifying lawyer poets, I was digging into literary and legal history, often without a clear sense of how the work fit the prevailing law and literature scholarly work. I certainly had no inclination that excavating the history of lawyers who turned to poetry would require the reading of any poetry! I did, along the way, get the grandiose notion of writing a history of the United States told through the lives of lawyer poets. Fortunately, the legal historian I approached about the project wanted no part of it and in a sane moment, I realized that teaching myself enough history to take on such a project could push a scholarly obsession to the point of no return.

Then there was a rather surprising development in the evolution of the project. As I identified historical lawyer poets, I began to assemble a list of contemporary lawyers who were writing and publishing poetry. For some reason, I had, early in the project, little interest in these contemporary figures. I was drawn to the crumbling pages of 19<sup>th</sup> century poetry anthologies where I found so many

lawyers that it became rather apparent that the idea of lawyers writing poetry, at least in the 19<sup>th</sup> century, was not at all unusual. The historical figures held my interest, and I continued to tell myself I was engaged in historical work. But as the project continued, I began to realize that dead poets don't talk (and yes, I know that poets speak through their poetry and their other writings). My colleagues at the law school expressed little interest in my efforts to identify America's lawyer poets; what I needed was someone to talk to and I couldn't think of anyone better than the lawyer poets still living, still practicing law, still publishing poetry. I called a few of the contemporary poet lawyers that I thought might be willing to talk with me about their citizenship in the two worlds—the world of lawyers and the world of poets. To my surprise, I found these conversations awkward. What I learned is that these men and women were surrounded by law and lawyers and they didn't have much inclination to talk about their lives as lawyers, at least to a stranger who they found themselves talking with on the telephone. I didn't know how to keep the conversation going, or maybe it was just that I didn't really know the purpose of the conversation in the first place. I didn't know how to talk to these lawyer poets and they didn't quite know how to talk with me.

Unwilling to give up on these conversations, it dawned on me that several of the lawyers had inquired as to whether I had read their poetry. Embarrassing to admit, I had not. I decided that if I was going to talk to these lawyers about their lives—as lawyers or poets—I would need to read their poetry. When a lawyer learned that I had discovered his poetry—and read it—we found we had something to talk about. Of course, I knew far too little about poetry in those days to be trying to talk to anyone about it, but there are times when we forgive the student his ignorance.

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I have mentioned that I edit the *Legal Studies Forum*, an eclectic, “we'll try anything once”

kind of journal that has managed to survive an improbable founding in the 1970s by the faculty of what was then an undergraduate legal studies program at the University of Massachusetts-Amherst. The journal has outlived the U.Mass-Amherst legal studies program and the organization (American Legal Studies Association) created to publish the journal, and what was at the time only a newsletter. If there's anything crazier, more obsessive, than trying to identify America's lawyer poets, it is single-handedly editing this journal as I've tried to do for over 15 years. I suppose one might expect that intellectual obsessions, even when properly compartmentalized, are always in danger of comingling with other life-projects. My identification of hundreds of lawyer poets, presenting them to the world on the website, and conversations with the poets, ended up with poetry collecting on my desk. I decided to publish an anthology of poetry by lawyers, and in February, 2004, the *Legal Studies Forum* published *Off the Record: An Anthology of Verse by Lawyers*, the first anthology of non-law related poetry of lawyers ever published.

In confronting the oddness of the poet who works as an insurance lawyer by day, the lawyer who decides he must abandon law to pursue poetry, and those poets who never forget that they were once lawyers, I have ventured forth into a mystery, something akin to a magnificent old library in which closets filled with scraps of records and writings that constitute a history of law and literature. It is from these lives that we might establish still a new reaffirmation and a new conception of "law and literature" as the study of lives lived in the movement between worlds, worlds we sometimes imagine and fear are incommensurable. And even for those who seek *only* to be lawyers and *only* to be poets, it may be a matter of cautionary prudence to study the great paradox embedded in the lives of our lawyer poets.