

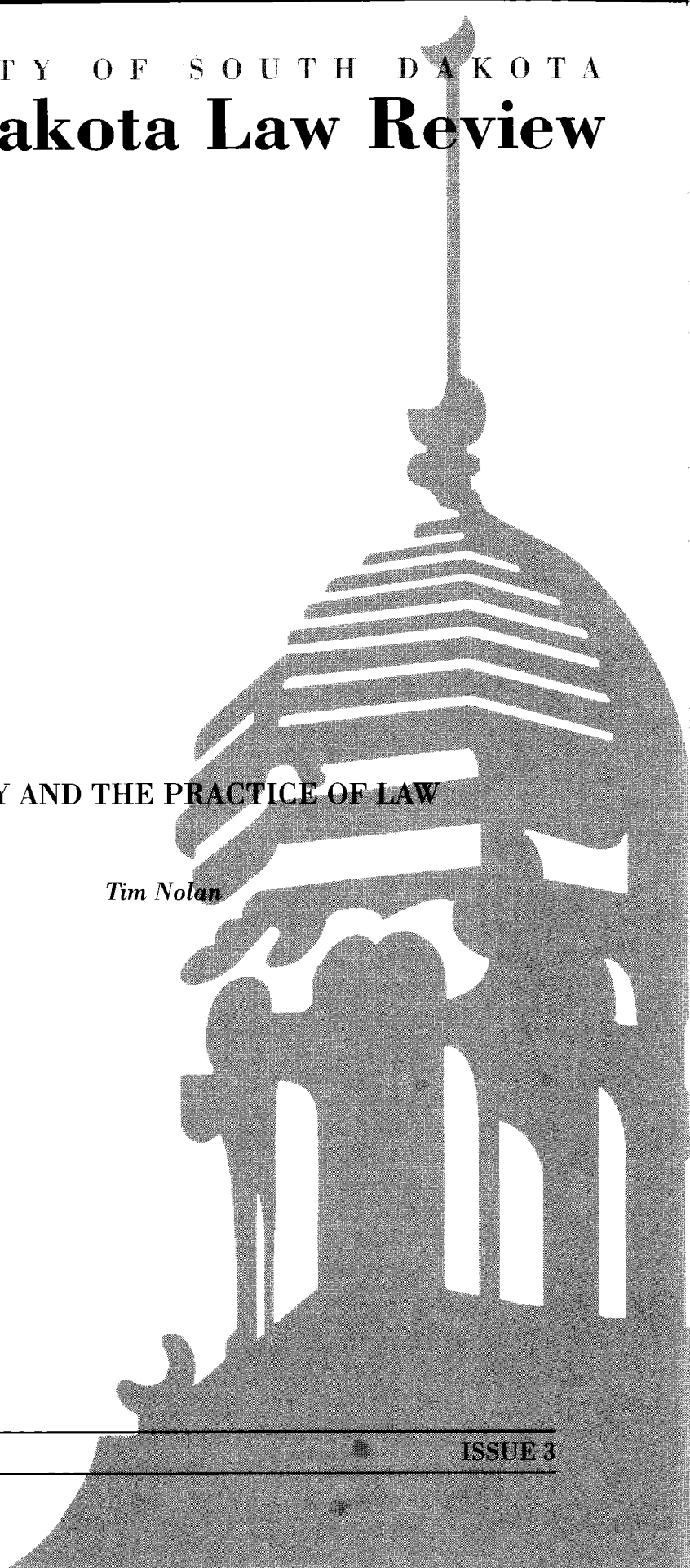
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POETRY AND THE PRACTICE OF LAW

Tim Nolan

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POETRY AND THE PRACTICE OF LAW

TIM NOLAN[†]

I. INTRODUCTION

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.

Yet at the same time, I have come to value the precision and sense of a good legal argument—it is not unlike the argument of a good poem—quick, irrefutable and pressured by precedent. Lawyers cite to state and federal appellate courts. Poets use the precedent of Walt Whitman or Rainer Maria Rilke. The mind—sorting through history, memory, emotion, personal experience—ought to inform both poetry and the practice of law.

I will briefly review here the dual careers of our most famous poet-lawyer, Wallace Stevens; go over some of the unrecognized similarities between writing poetry and practicing law; give a personal reading of a couple of my "lawyer poems" and one poem involving Wallace Stevens; and try to draw some conclusions meant to be helpful to law students and new lawyers, as well as experienced lawyers, who have other interests and passions in their lives.

I have come to believe that there should be artfulness in the practice of law. Much of what a lawyer does involves creating something—an argument, a contract—where nothing existed before. The way in which a legal task is accomplished almost always involves compositional choices—how will the case be presented; how will the deal be structured? A lawyer is effective when he or she can make the best compositional choices for a

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client.

I also believe there ought to be more sense, logic and practical pressure in the writing of poetry. The audience for poetry in the United States has always been somewhat limited. Unlike the Chile of Nobel Laureate Pablo Neruda, where school children in remote mountain areas could recite Neruda's poems by heart, in the United States poetry often has centered in academia among specialists. This is partly the fault of poets, partly the result of politics—there is a greater need for poetry among populations where basic rights are under attack. "Practical pressure" in poetry for me means that poets must be more of the world—or of many worlds—to be both accessible and necessary. As we wonderfully see in the example of Wallace Stevens, the legal world can inform the poetic and vice versa.

II. WALLACE STEVENS/POET-LAWYER

The American poet Wallace Stevens (1879-1955) is the most famous and accomplished poet-lawyer in our history. His influence on American poets to the present day has been considerable.¹ Some of our finest critics have been drawn to comment on his work.² In many respects, his influence at the present exceeds that of T.S. Eliot, who received much more attention during his life than Stevens.³

The influence and durability of Stevens' poems are remarkable given that he was never able to devote a full-time effort to poetry. Over a period of nearly forty years, during which he published some of the most exotic and important poetry written by an American in this century, he also worked as a lawyer and corporate executive for The Hartford Accident and Indemnity Company in Hartford, Connecticut ("The Hartford"), where he specialized in the intricacies of surety bonds on large construction projects.⁴

Stevens attended Harvard University as an undergraduate from 1897 to 1900, although he did not obtain his degree.⁵ He then attended New York Law School and graduated from there in 1903. After working in

1. Stevens' poetry is frequently quoted and referenced in current poetry. His influence on current American poets is apparent, including poets as different from one another as John Ashbery and Louise Gluck.

2. Harold Bloom and Helen Vendler, perhaps the leading American poetry critics, have both written at length on Stevens: HAROLD BLOOM, WALLACE STEVENS: THE POEMS OF OUR CLIMATE (1977); HELEN VENDLER, WALLACE STEVENS: WORDS CHOSEN OUT OF DESIRE (1986).

3. T.S. Eliot (1888-1965) received the Nobel Prize in 1948 and was widely recognized during his lifetime. I cannot think of a current American poet who has been overtly influenced by Eliot.

4. TONY SHARPE, WALLACE STEVENS: A LITERARY LIFE 2-6 (2000). JOAN RICHARDSON, WALLACE STEVENS: A BIOGRAPHY: THE EARLY YEARS, 1879-1923 445 (1986); JOAN RICHARDSON, WALLACE STEVENS: A BIOGRAPHY: THE LATER YEARS, 1923-1955 300-01 (1988).

5. RICHARDSON, THE EARLY YEARS *supra* note 4, at 59-101; PETER BRAZEAU, PARTS OF A WORLD: WALLACE STEVENS REMEMBERED 4-10 (1977).

private practice from 1904 to 1907, he was employed as a bond lawyer for several insurance firms and eventually joined The Hartford in 1916 where he worked until his death in 1955, at age 76.⁶ Stevens never retired from his job with The Hartford. He never traveled much, except for winter trips to Florida and Cuba.⁷ He led a quiet, upper-middle-class existence in Hartford. He walked to work downtown and composed poems along the way. His secretary at work typed drafts of the poems and kept up with his growing literary correspondence.⁸ He and his wife, Elsie, had one daughter, Holly (1924-) who since his death has been his principal editor.⁹

Stevens' literary career has been viewed as a model of deferred recognition and late blossoming.¹⁰ While he published poems as an undergraduate at Harvard and continued to publish in significant literary magazines such as *Poetry*, his first collection, HARMONIUM, was not published until 1923, when he was forty-four years old.¹¹ Stevens wrote ten collections of poems in the next thirty years, concluding with THE COLLECTED POEMS OF WALLACE STEVENS (1954) which won the National Book Award and the Pulitzer Prize.¹²

Commentators on Stevens often focus on the duality in his life—the exotic poet of the imagination versus the everyday lawyer/executive. He himself seemed to denigrate his work-a-day world in the law and insurance:

I certainly do not exist from nine to six, when I am at the office. . .
There is no everyday Wallace, apart from the one at work—and
that one is tedious—At night I strut my individual state once more.¹³

When his daughter, Holly, decided to leave Vassar before graduating in order to go to work, Stevens wrote harshly about the working world:

. . .take my word for it that making your living is a waste of time.
None of the great things in life have anything to do with making
your living. . .¹⁴

6. RICHARDSON, THE EARLY YEARS *supra* note 4, at 297-365; RICHARDSON, THE LATER YEARS *supra* note 4, at 411-27.

7. RICHARDSON, THE EARLY YEARS, *supra* note 4, at 445-528; RICHARDSON, THE LATER YEARS, *supra* note 4, at 41-42, 68-69, 243.

8. SHARPE, *supra* note 4, at 2-6.

9. Holly Stevens edited a collection of her father's work, as well as his collected letters and excerpts from his journals. See WALLACE STEVENS, THE PALM AT THE END OF THE MIND (Holly Stevens ed., 1971); WALLACE STEVENS, LETTERS OF WALLACE STEVENS (Holly Stevens ed., 1967); WALLACE STEVENS, SOUVENIRS AND PROPHECIES: THE YOUNG WALLACE STEVENS (Holly Stevens ed., 1977).

10. SHARPE, *supra* note 4, at 2-3.

11. BRAZEAU, *supra* note 5, at xi-xii.

12. *Id.* at xii-xv.

13. STEVENS, LETTERS OF WALLACE STEVENS, *supra* note 9, at 121.

14. *Id.* at 426.

Stevens never used his work as a lawyer and insurance man as a subject for his poetry. However, I think it would be a mistake to assume that his professional training and experience as a lawyer and insurance executive did not have a significant impact on his poetry.

One way of viewing Stevens' body of work is to see it as an effort to construct a kind of philosophy of the imagination—free of history, religion and mundane concerns. It is almost as if Stevens chose to set a contrast for himself—successful and brilliant legal specialist versus imaginative and sometimes esoteric poet. While some commentators have made much of the obvious tension in Stevens' duality—that very duality is a background or starting point for his philosophy of the imagination.¹⁵

That which is not present is frequently a subject in Stevens' poetry. In one of his most famous poems, "The Snow Man," the duality between what is and is not present is at the center of the poem's argument:

THE SNOW MAN

One must have a mind of winter
To regard the frost and boughs
Of the pine trees crusted with snow;

And have been cold a long time
To behold the junipers shagged with ice,
The spruces rough in the distant glitter

Of the January sun; and not to think
Of any misery in the sound of the wind,
In the sound of a few leaves,

Which is the sound of the land
Full of the same wind
That is blowing in the same bare place

For the listener, who listens in the snow,
And, nothing himself, beholds
Nothing that is not there and the nothing that is.¹⁶

This beautiful and eloquent composition is made of a single sentence, with leisurely and factual observations, concluding with a stark philosophical inevitability—that "nothing" can be "beheld" and is comprised of the "nothing that is not there" as well as "the nothing that is." On the one hand, the poem is elegantly objective and omniscient.

15. SHARPE, *supra* note 4, at 2-6.

16. WALLACE STEVENS, *THE COLLECTED POEMS OF WALLACE STEVENS* 9-10 (1987).

There is no explicit “I” in the poem. Even the supposed observer in the poem—a snowman—is “nothing himself.” Yet, that observer can make the leap in perception to behold both “the nothing that is not there” and “the nothing that is.” Stevens is saying that the “mind of winter” is a desirable condition. It is only when one possesses such a mind that one is able to truly observe.

Whenever I read this poem, I am struck by the repetitions and the subtle turns of thought. The repetitions of “behold” and “sound” are significant. The poem generates its momentum from the “sound of the wind,” shifting to the “sound of a few leaves,” then resting with the observation that these sounds are the “sound of the land/Full of the same wind.” There is a lawyer’s focus in these observations and linguistic refinements.

While the language and diction of the poem are somewhat detached, there is also immense feeling and a sense of redemption in the poem’s conclusion. This, after all, is our human condition—to intensely feel both presence and absence at once.

As I have read this poem over the years, I have thought of the weather man’s estimation of “wind chill factor”—which is not a measure of any objective fact (how cold is it?), but rather is a measure of human subjectivity (how cold does it feel against the skin?).

Stevens, at his lawyerly best, is often on display in the arguments of his poems. Objective observation, often in a southern, tropical climate, leads back and forth to poetic and philosophical conclusion:

We live in an old chaos of the sun,
Or old dependency of day and night,
Or island solitude, unsponsored, free,
Of that wide water, inescapable.
Deer walk upon our mountains, and the quail
Whistle about us their spontaneous cries;
Sweet berries ripen in the wilderness;
And in the isolation of the sky,
At evening, casual flocks of pigeons make
Ambiguous undulations as they sink,
Downward to darkness, on extended wings.¹⁷

Here Stevens sets out alternatives for where we live that are contrary to some degree—there is chaos, but we depend upon it. We are alone on our island, unsponsored, but we are also “free/Of that wide water.” The pigeons Stevens refers to here may be passenger pigeons which became extinct in America a few years before the poem was written.¹⁸ The birds

17. STEVENS, COLLECTED POEMS, *supra* 16, at 70.

18. SHARPE, *supra* note 4 at 48-49, 200-01 n. 13. Mr. Sharpe notes that according to an

are "casual" as they sink, yet their wings are "extended." Again, the human observer is not front and center here; rather he is implicit.

Stevens, as a lawyer, is able to spot the issues, whether poetic or philosophical, and then invoke physical images to lead him to a conclusion. A lawyer or law student will think of Issue, Rule, Analysis, Conclusion (IRAC)—that mnemonic device to help you through the essay portion of the bar examination. As a poet, Stevens is always spotting issues, trying to apply rules, and analyzing before he suggests his conclusions.

In the 1930s, Stevens wrote a paper on his work as an insurance man, "Surety and Fidelity Claims," which could as well describe his work as a poet and his view of the imagination. As a claims man reviewing and determining whether claims should be paid, Stevens observed the following:

... You never see a dollar. You sign a lot of drafts. You see surprisingly few people. You do the greater part of your work either in your own office or in lawyers' offices. You don't even see the country; you see law offices and hotel rooms. You try to do your traveling at night and often do it, night after night. You wind up knowing every county court house in the United States.¹⁹

The sheer variety of the insurance claims brought to Stevens' department at The Hartford gave Stevens both intellectual challenge as well as insight into human nature:

A family is killed by fumes from a gas stove in a cabin in a tourist camp. If the husband died first, his estate goes to A, B and C; if the wife died first, the husband's estate goes to X, Y and Z. The estate amounts to \$50,000. You are on the bond of the administrator of the husband's estate. The \$50,000 consisted of cash on deposit in a bank which failed several years after you gave your bond. A, B and C will settle for \$10,000, but X, Y and Z want \$50,000. What had you better do?²⁰

These and other real scenarios in his work as a lawyer led Stevens to conclude that the most interesting element in the process of determining

Audubon Society publication the last passenger pigeon in the world "expired at the Cincinnati Zoo at 1:00 p.m. Central Standard Time, September 14, 1914." See AUDUBON'S BIRDS OF AMERICA (1981).

19. WALLACE STEVENS, OPUS POSTHUMOUS: POEMS, PLAYS, PROSE 237 (Milton J. Bates ed., 1989).

20. STEVENS, OPUS POSTHUMOUS, *supra* note 19, at 238-39.

claims is the subjective human being making the determinations:

A man in the home office tends to conduct his business on the basis of the papers that come before him. After twenty-five years or more of that sort of thing, he finds it difficult sometimes to distinguish himself from the papers he handles and comes most to believe that he and his papers constitute a single creature, consisting principally of hands and eyes: lots of hands and eyes. Fortunately, this singular creature yields to more mature types: fortunately, because a business alive and expanding in other respects must be alive and expanding equally in respect to claims. The truth is that the most conspicuous element from the point of view of human interest in the handling of claims is the claim man himself.²¹

These observations suggest that at some level, Stevens did not view his seemingly contrary interests as contrary at all. The poet and the insurance claims man are at once the same subjective human being, observing and making choices from a multitude of possibilities.

In another article on "Insurance and Social Change," Stevens sees the imagination as providing perspective on even the driest of subjects—insurance:

The significance of a business is not wholly an affair of its statistics. This note is written lightly and is intended to touch the imagination, because this seems to be the best way to come quickly to the point. The objective of all of us is to live in a world in which nothing unpleasant can happen. Our prime instinct is to go on indefinitely like the wax flowers on the mantelpiece. Insurance is the most easily understood geometry for calculating how to bring the thing about.²²

Similarly, poetry for Stevens always involved a search for some kind of order or "geometry" for describing, invoking and enacting the imagination. His passion in poetry was to approach and describe at once both the human observer and the thing observed:

Oh! Blessed rage for order, pale Ramon,
The maker's rage to order words of the sea,

21. *Id.* at 239.

22. *Id.* at 234.

Words of the fragrant portals, dimly-starred,
 And of ourselves and of our origins,
 In ghostlier demarcations, keener sounds.²³

The absence of any apparent connection between Stevens' poetic subject matter and his work as a lawyer is in itself a presence. He is both the lawyer who stayed home in the wintery north working away at his office desk and the exotic traveler of the imagination, existing and observing the colorful flora and fauna of the tropics:

OF MERE BEING

The palm at the end of the mind,
 Beyond the last thought, rises
 In the bronze decor,
 A gold-feathered bird
 Sings in the palm, without human meaning,
 Without human feeling, a foreign song.

You know then that it is not the reason
 That makes us happy or unhappy.
 The bird sings. Its feathers shine.

The palm stands on the edge of space.
 The wind moves slowly in the branches.
 The bird's fire-fangled feathers dangle down.²⁴

At times in his correspondence, Stevens seems to regret not being able to devote all of his attention to poetry:

If one could truly play the role of poet with all the books, giving one's lifetime to it, leading the special life that a poet should lead, reaching out after every possible experience, questions of this sort [whether beauty is inherent in nature or must be created by the poet] would be commonplaces. They are, in fact, commonplaces now, but I am dealing with my own experience. I think that things come both from within and from without.²⁵

We each make do with the circumstances we create in our lives along

23. STEVENS, COLLECTED POEMS, *supra* note 16, at 130.

24. STEVENS, THE PALM AT THE END OF THE MIND, *supra* note 9, at 398.

25. STEVENS, LETTERS OF WALLACE STEVENS, *supra* note 9, at 302.

with those circumstances to which we are subject. Stevens made out of his quiet, lawyer's life a wildly imaginative and subject world in poetry. His strongest yearning in poetry was to make his imagined world as real (or unreal) as the everyday world, including the world of his work and professional career.

The most simplistic take on Stevens' choices would be to conclude that he was a lawyer and insurance man who wrote poetry on the side. It is obvious in reading Stevens that first and foremost he was a poet, and only incidentally a lawyer. While the reader might want to project some sense of disappointment that Stevens could not be a full-time poet, this wrongly assumes that his work as a lawyer had no positive impact on his poetry.

Stevens could never, by background or disposition, have been a bohemian poet. His "rage for order" in contemplating and writing about the imagination seems to have required him to lead an orderly life. Yet his work as a surety bond lawyer drew upon many of the same skills he had as a poet—intelligence, empathy, imagination, care. One of his colleagues at The Hartford observed these very qualities in Stevens:

. . . underwriters and claims people alike have to be very sharp-eyed and understand all the details of exactly what the contract was, who said what to whom, what defenses are available. All of the facts have to be dug out and disclosed. And when you're talking about the construction of a dam, a highway or a coliseum roof that collapses, an awful lot of expertise has to come into play. This is where he had his expertise and demanded it of those he was directing.²⁶

Through the force of his unique personality and talent, Stevens finally was able to defy the stereotypes of both a poet and a lawyer and arrive at ground of his own choosing.

III. POETRY AND LAW

Stereotypes serve a purpose. In a complex world, stereotypes help a person to categorize what is observed from multiple possibilities. Stereotypes also calm the mind and reassure a person that he knows what he does not know.

The stereotype of the poet combines a number of easy attributes. The poet is a bohemian, irresponsible, free, flighty, subject to brilliant inspiration, aloof, poor, garroted, soulful, irreverent.

The stereotype of the lawyer also involves easy attributes. The lawyer is masterful, composed, certain, needling, dogged, practical, insistent, combative, annoying, overdressed.

26. BRAZEAU, PARTS OF A WORLD, *supra* note 5, at 24.

Stereotypes, thankfully, fall apart when applied to a single human being. The mask of the poet or mask of the lawyer are poor substitutes for the real human being and his collection of fear, joy, bewilderment and experience.

I believe that Wallace Stevens, both in his poetry and his work as a lawyer, came to appreciate the similarities and differences of his two callings. Such recognition, no doubt hard-won, required him to be as alive and observant on his walks to work as he was when he arrived at his desk.

Writing poetry and practicing law bear similarities that are not often examined. In litigating a lawsuit, a lawyer is often overwhelmed with facts, documents, statements, memories (good and bad), emotions, a hovering concept of justice (good and bad), time lines, bullet points, visual aids, legal precedent, practical precedent, clients, judges, jurors. From all of this, the lawyer must draw out a story, with a cast of characters (sometimes stock characters), themes, partial resolutions and final outcomes. The good lawyer is able to not only marshal all these resources, but draw out and suggest the final conclusion for the good of his client.

The poet, facing a blank piece of paper, has a similar task. From endless possibilities, what must be said? What words will be used to say it? What images will convey what needs to be said? What kind of intent or insight will the music and sounds evoke?

For a lawyer or a poet, there are endless diversions, wrong ways, dead ends. Choices are innumerable. Possibilities, within the context of a case or a poem, seem infinite. Yet when the case is done, or the poem is written, rewritten, maybe abandoned—there is the same excitement of going on to the next encounter.

The lawyer's client is not unlike the reader of the poem, observing the twists and turns of the task at hand, hoping for insight or justice, as it may be, hoping for a through-line of intent that will simply pull things together.

With the experience of having tried the case or written the poem, the lawyer and the poet can go forward. There comes a confidence from having been here before, wherever "here" may be. Then instinct can occur—a lawyer might think of it as good judgment (knowing when to stop asking questions in cross-examination); a poet might think of it as craft (knowing when to stop rewriting).

There is physical and intellectual malleability to both pursuits. As a lawyer, you can push facts and precedent around, or embrace them, or ignore them. You know there must be at least one jurist in some obscure court who thinks exactly as you do and supports your position.

As a poet, you can push lines around, invent language, make the reader laugh or cry, speak in a voice that is yours or is imagined entirely.

It is a mistake to think that the law is objective or scientific and poetry is merely subjective. Young lawyers, especially it seems those who clerk for appellate courts, often feel they can objectively predict what the courts will do. Experienced lawyers understand that while possible outcomes can

be identified, the facts, the desires of the parties, the collective wisdom of the jury, the predilections of the judge, all wonderfully defy clear prediction.

The young poet thinks no one has ever felt this before; no one has ever said this so eloquently; the reader will be enthralled. With time, the poet comes to know that centuries' worth of better writers have been mining the same territory, and while not much can be truly "new," one's own peculiar "slant" has never been here before.

Both poetry and the law involve the effort to move from the objective to the subjective—from fact to feeling—from observation to intuition. In a jury trial, *how* the lawyer presents his case is in some ways more important than *what* is presented. This is what drives the general public crazy about lawyers—how could they argue either side convincingly? What shamelessness! Lawyers know it is not difficult at all.

A lawyer and a poet must both be advocates and possess a strong sense of service toward the client or the reader. Accompanying this sense of service, there must be a generosity of spirit, a readiness to be empathetic. The lawyer must empathize with the client. The poet must have true empathy with the reader.

For both a lawyer and a poet, the imagination must always be present. Stevens, in reviewing an insurance claim, used the same imagination at work in his poems to determine whether or not to pay the claim.

Here is what a lawyer and poet must both be able to do—pick up a fact or image of nearly total insignificance—a mere marble along the way—and make it significant by the imaginative effort of paying attention. I am not advocating that lawyers or poets make up facts or images. Rather, I am saying that if the lawyer or the poet pays enough attention, he can learn that what seems insignificant hardly ever is, and, indeed, the outcome of the entire case, the meaning of the poem itself, may ultimately turn on it.

IV. A PERSONAL READING OF THREE POEMS

I include here three of my own poems with brief notes about their origins.

WORK

On Monday, I am optimistic.
 I can push a mountain of paper
 off my desk and into the trash.
 Those notes I kept six months ago
 will remind me to call that guy
 in Florida who wants to dodge
 a bullet. The letter I write
 on Tuesday will assure

the State that iron ore
in a boxcar in Duluth was only
temporarily resident on January 1.

The judge who loves me will issue
an order granting me lifetime
good health, wealth, happy children.
Let Judgment Be Entered Accordingly.

By midweek, I have put off lunch again.
I am stalled over a crossword puzzle.
My best intentions are focused on
39 DOWN—"Artfully shy" three letters
ending in "y." By Thursday,

I have put off enough for one week.
A client refuses to tell me who his
employer is. "It's a matter
of national security." He's not even
kidding. He gives me the number
for the FBI. If I don't believe him.

By Friday, I have billed myself out.
I have nothing left to say.
The spring light falls long
on my shoulders. I can see the river
from here. The ice has broken. Gone south.

"Coy" was the word. "Artfully shy."
Or was it "artfully sly?"
Who cares? The week is wrapped
in brown paper and waxed parcel string.

In "Work," I was trying to convey the variety and exasperation of a week's worth of work as a lawyer. I love the variety of the lawyer's work, even when it seems hectic and overwhelming. I do not know who "the judge who loves me" is—but my hunch is that it is the great overseer who is keeping track of more than just billable hours. The package at the end of the poem is meant to be a homey and antique image—like a lost fruitcake that has been circulating through the mail for years.

OKLAHOMA

I thought it would be dry and cattle-driven,

but Oklahoma is green, almost Irish.
Down the interstate in my rental car,
I see cattle grazing in the thick brush.

I am here on business to meet a man
who used to make hearing aids, and now
trains rodeo horses. In this country,
we can change ourselves overnight.

I am here to find out if the man
will be a good witness at a trial.
I am stage manager of his memory and belief,
midwife of testimony favorable to my side.

He's late. I wait at the Lazy E Ranch—
an "E" sloping sideways down a hill.
I am sloping sideways half the time,
my head full of hearing aid history.

Beneath an oak tree on a hill, I smoke
and watch rodeo calves and bulls
grazing in their time. In Minnesota
this morning, I felt the first snap

of winter, that chill breath at dawn,
the long struggle about to begin. Now,
I'm kicking red dust from my boots.
I've never seen such red hot soil!

The Florida Seminole tribe was sent here
during the presidency of Andrew Jackson
in the first long march across the land.
Oklahoma was the frontier no one wanted.

My witness is here. He is perfect.
The jury will think he's Gary Cooper,
speaking in measured, confident sentences.
He says exactly what I'd hoped he'd say.

As we speak, sitting side-by-side
in a Lazy E golf cart, a mottled calf
shoots out of a cage into the corral,
kicking up red dust, panicked.

The soon-to-be, next greatest, champion
cowboy horse bolts after, hooves clattering,
leather snapping, the bright and stiff rope
cinches, the poor calf drops. Everything

suddenly stops. It is so strange
to fly down through the belly of the country
to arrive at a time and place where
archetypes stall. The pursued are caught.

At Will Rodgers World Airport, I buy
a refrigerator magnet in the shape
of Oklahoma wearing an oil well and a war bonnet.
A Seminole woman waits for a flight to Detroit.

She should be flying back to Florida
to reclaim her land and place. But it's more
complicated than that. At the airport
in Memphis, Elvis is everywhere, alive, doing

alright, transcending himself, ascending
into hyper space where he breathes
the pure vapor of our collected departures.
I can't hear a thing. Stunned, as usual, in flight.

I was on a trip from Minnesota to Oklahoma to interview a witness for a trial. I wrote this on an airplane, where I had been unexpectedly placed in first class. I felt powerful and omniscient. The case I was working on involved alleged trade secret misappropriation of the design of hearing aid battery doors. All of these images assembled during that single day of travel. The lawsuit ended up settling on the first day of trial in the judge's chambers. A few weeks later, I read this poem over a speaker phone to the lawyers on the other side. It was satisfying to sense that I was the only lawyer on the case who came out of the whole experience with any insight. Whatever insight there is here, it has nothing to do with the case.

OLD THEATER TICKET

Marking page 40 in the essay
"The Figure of the Youth as Virile Poet"
by Wallace Stevens. At the place

I stopped reading about 20 years ago
when I wanted to be the virile poet.

The Schubert Organization. Lyceum Theater.

Nice seat in the Mezzanine. Row H.
Box 18. It was a Saturday night.
January 18, 1981. You and I were both

there—the play was a light parlor
comedy that spilled out onto
a front porch—“Mornings At Seven.”

I remember the set, a precise Midwestern
wood frame house. The audience applauded
for it when the curtain came up.

Just as passengers used to applaud
for pilots when they dropped us down
smooth and floating on the dark runway.

A white-haired Teresa Wright was in the play.
She was Joseph Cotton's niece years before
in that Hitchcock movie—“Shadow of a Doubt”—

where Joseph Cotten played “The Merry Widow
Murderer,” and poor Teresa suspected it,
found out and was distraught. How could

her very favorite uncle be diabolical?
Her voice was recognizable, pitched high
and earnest. The women in the play

wore long white dresses. Crickets chirped
from the fake shrubs at stage right.
The play is gone entirely—the plot, the turns

and laugh lines trailing off. Not important.
Maybe I should be done with memories
as a source for anything. Except to mark

some current sense of discontent.
This brings me back to the book I left.
At page 40, just as Wallace Stevens wrote:

“the nature of poetry changes, perhaps

for no more significant reason
than that poets come and go."²⁷

This is a "found poem" in the truest sense. A "found poem" usually arises from an object or writing that is incorporated into the poem. What is found can then lead the poet to something else. A year or so ago, I had pulled an old paperback copy of Wallace Stevens' essays, *THE NECESSARY ANGEL*, off my bookshelf. It had been nearly 20 years since I had last looked at the book. There, as a bookmark, was this old theater ticket from a Broadway show my wife and I attended in 1981. I tried to remember everything I could about that play, the set, the actors. I was surprised I remembered so many details, but other things—what was the play about?—were completely lost. I had a strong sense of passage of time in holding that ticket in my hand, and my sense was then confirmed in some way by the passage from Stevens at the very place I had stopped reading. Finding the theater ticket brought me back to Stevens and his realistic observation that not only poets—indeed all of us—come and go.

V. NOTHING THAT MATTERS IS A HOBBY/GRETA GARBO AND CINNAMON BUNS

I am a great believer in the Shakespearean maxim "By indirections, find direction out."²⁸ As both a lawyer and a poet, my best work has been based on hunch and instinct. What might not initially seem to be a good approach, either legally or poetically, often ends up being the best possible approach, because it is my own.

Wallace Stevens understood that he was an instrument in both his poetry and his practice of law. He was one human being trying to make subjective sense of what he "beheld." I do not believe that Stevens compartmentalized his life into literature and the law. He was a very good lawyer who also became one of our great poets. His work as a poet was informed by his work as a lawyer, and vice versa.

As I have gathered my thoughts here, a line I can ascribe to no one but myself has hovered in the background—"Nothing that matters is a hobby." What I mean is that activity-legal or poetic-should be driven by the full human being, with full attention. Collecting matchbooks or beer bottle caps does not require any passion—it is more of a compulsion. Writing greeting card verse similarly does not require any truth-telling or passion. Greeting card verse is the opposite of truth. It is mere hobby.

When I tell people in my legal life that I write poetry, I sometimes see suspicion in their eyes. They assume that I write poetry as a pastime or hobby, as if it is interchangeable with needlepoint or bowling. I want to say, "No. You don't understand." Usually, I hardly respond. Stevens was

27. Quoting WALLACE STEVENS, *THE NECESSARY ANGEL* 40, 1951.

28. WILLIAM SHAKESPEARE, *HAMLET*, act 2, sc. 1.

also reticent about his literary activities, and I think he was bored with any discussion that treated poetry as work.

Stevens' life as a lawyer allowed him greater freedom as a poet. Nothing (and everything) was at stake for him in poetry. However, he did not *need* poetry to make his living. His life as a lawyer allowed him to approach poetry with no mixed motives. He did not require fame or glory from poetry.

While Stevens received many literary awards and honorary degrees, there is a sense in correspondence and reminiscences that the honors did not matter much to him. Mary Jarrell, the wife of the poet and critic Randall Jarrell, described an encounter with Stevens that conveys some of his attitude about the profession of literature:

The next morning we were at breakfast at the Yale Club. Randall was across the table, and I was somehow next to Stevens. We were talking generally, and I said something about seeing *Ninotchka* in New York with Randall. Stevens came alive immediately. "Garbo!" he said. He talked about always wishing he could meet her and how beautiful she was, that she really was his favorite actress in the world. There was a pause. I knew Randall well enough to know that he was being a little audacious—here was a table full of people—but he had a direct question that he wanted to ask Stevens. He felt that he was not going to be able to ask him this question if he didn't get on with it. So he just shifted the subject entirely to [the poem] "Sunday Morning" and said, "I've notice that you have changed some lines in 'Sunday Morning.' How did you happen to do that?" Stevens pulled this famous Robert Browning thing. He began to look very vague and disbelieving, as if he hadn't remembered whether he changed them or not. He hesitated and started to say something about "I don't know why." Then he said "Let's talk about Garbo again!"²⁹

Another remembrance of Stevens as a lawyer suggests both the singular nature of the man and the playfulness which was evident in many of his poems:

I first met Mr. Stevens in Philadelphia in 1928. We had a contractor who we were bonding to the Board of Education, guaranteeing the performance of his contract. The fellow went broke, and we had to contact the home office to let them know we were in trouble with this man. Mr. Stevens got on the phone and told the manager that

29. BRAZEAU, PARTS OF A WORLD, *supra* note 5, at 179-80.

it was important enough that he felt he ought to come down to Philadelphia. . . .

He wanted me to meet him at the station, take him to the attorney's office. I stood at the gate in the station, and when he came through I didn't have any trouble spotting him. Here was a fellow that matched the description the manager had given me: tall, austere, very dignified, and unusual-looking man. He said, "Let's get on our way. We want to go to the attorney's office and get into this thing right away. We don't want to waste any time." I said, "No, sir!"

Then he said, "The attorney's office is down on Chestnut Street, so on the way down what do you say we get some cinnamon buns." I said, "Cinnamon buns?" "Yes," he said, "I always, whenever I come to Philadelphia, buy these cinnamon buns at Lahr's." I thought, "This is strange to do before we're going to an attorney's office. He ordered a dozen to send to Hartford. I thought, "Oh, that is it." Then he wanted a dozen more; they put them in a bag, and we started off. And I thought, "My gosh, I wonder when he's going to eat these things." Well, we got to the attorney's office, and we went through the introductions and into the conference room. There were about seven of us. He opened up his bag, put it in the middle of the table, and said "Let's have a cinnamon bun" Everyone, trying to be polite, agreed with him, and we all reached in and got a handful of goo. And we started our conference.³⁰

As lawyers, we should be open to the world and available to our clients. We should have a keen sense of sympathy for their situations. At the same time, we must also be available to our own passions and remain free agents in our profession.

Whenever a potential client tells me they want me to be a "pit bull," I tell them I'm a very diligent and eager golden retriever, and they probably do not really want a pit bull, because pit bulls tend to bite everyone, even clients.

Whatever the public might think of lawyers as a group or however often the mistaken stereotype is advanced, we should all work as individuals to defy the stereotype, whenever possible.

I urge you to create something other than footnotes in legal briefs. Write poetry. Sing opera. Play the drums. Not just for therapy. Or to pass the time. Or to save yourself for your work as a lawyer. Do whatever it is because you must. You must. You have no choice.

30. *Id.* at 12-13.